

JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

SEVENTIETH DAY, WEDNESDAY, MAY 10, 2000

Speaker Gaw in the Chair.

Prayer by Father David Buescher.

God, You are the glue which binds peoples and families together. You are the spirit who motivates our actions. Despite the possible rancor that this Chamber has felt these last days, re-unify our spirits this morning and this day.

If there is disagreement on means, let this body remember that our deepest motives here aim at equality and liberty, individual decency and value, community increase and social progress. May we remember, as difficult as that might be in the fray of debate and the desire to win our case, that at the end of this session, we will still be ONE sovereign state, beneath one God, with freedom and fairness for every citizen. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Stephen Braun, Jenna Baker, Amanda Baird, Alex Marion, Sarah Kuehnle, Mike Wilcox, Katie Kriegshauser, Scott Roberts, Tim Wahl, Maureen Kientzle and David Schoemehl.

The Journal of the sixty-ninth day, was approved as corrected by the following vote:

AYES: 081

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Fraser	George
Graham 24	Gratz	Green	Gunn	Hagan-Harrell
Hampton	Harlan	Hickey	Hollingsworth	Hoppe
Hosmer	Kelly 27	Kennedy	Kissell	Koller
Kreider	Lakin	Lawson	Liese	Long
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Monaco	Murray	O'Connor
O'Toole	Overschmidt	Ransdall	Relford	Reynolds
Richardson	Riley	Rizzo	Scheve	Schilling
Seigfreid	Selby	Shelton	Skaggs	Smith
Thompson	Treadway	Troupe	Van Zandt	Wagner
Ward	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 062

Akin	Ballard	Barnett	Bartelsmeyer	Bennett
Berkstresser	Black	Blunt	Boatright	Burton
Champion	Chrismer	Cierpiot	Crawford	Dolan
Enz	Evans	Foster	Froelker	Gibbons
Graham 106	Griesheimer	Gross	Hanaway	Hartzler 123

1580 *Journal of the House*

Hartzler 124	Hendrickson	Hohulin	Howerton	Kasten
Kelley 47	King	Legan	Linton	Luetkemeyer
Marble	McClelland	Miller	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Reid	Reinhart	Ridgeway	Robirds
Ross	Sallee	Schwab	Scott	Secrest
Shields	Summers	Surface	Townley	Tudor
Vogel	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 019

Alter	Bartle	Elliott	Franklin	Gambaro
Gaskill	Hegeman	Hilgemann	Holand	Klindt
Leake	Levin	Lograsso	Loudon	Parker
Pryor	Purgason	Stokan	Wiggins	

VACANCIES: 001

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1585

through

House Resolution No. 1588 - Representative Gross, et al
House Resolution No. 1589 - Representative Scheve
House Resolution No. 1590 - Missouri Legislative Black Caucus
House Resolution No. 1591 - Representative Naeger
House Resolution No. 1592 - Representative Bartle
House Resolution No. 1593

through

House Resolution No. 1595 - Representative Reinhart
House Resolution No. 1596 - Representatives Lawson and Kelly (27)
House Resolution No. 1597 - Representative Enz
House Resolution No. 1598

and

House Resolution No. 1599 - Representative Hartzler (124)
House Resolution No. 1600 - Representative Kelly (27)

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 26, SCS SCR 41, SCR 42 and SCR 43 were read the second time.

HOUSE BILL WITH SENATE AMENDMENT

HCR 10, with Senate Committee Amendment No. 1, relating to life insurance, was taken up by Representative Auer.

On motion of Representative Auer, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 149

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Burton	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Fraser	Froelker	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelley 47
Kelly 27	Kennedy	King	Kissell	Koller
Kreider	Lakin	Lawson	Leake	Legan
Liese	Linton	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Townley	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 012

Black	Elliott	Franklin	Gambaro	Gaskill
Kasten	Klindt	Levin	Lograsso	Parker
Stokan	Wiggins			

VACANCIES: 001

On motion of Representative Auer, **HCR 10, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 139

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Burton	Campbell	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Fraser	Froelker	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kelly 27

Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Liese
Linton	Long	Luetkemeyer	Luetkenhaus	Marble
May 108	McBride	McClelland	McKenna	McLuckie
Merideth	Monaco	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Overschmidt	Patek
Phillips	Pouche 30	Purgason	Ransdall	Reid
Reinhart	Relford	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Tudor
Van Zandt	Vogel	Wagner	Ward	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 022

Barry 100	Champion	Chrismer	Franklin	Gambaro
Gaskill	Kasten	Leake	Levin	Lograsso
Loudon	Mays 50	Miller	Ostmann	Parker
Pryor	Reynolds	Scott	Stokan	Troupe
Wiggins	Williams 121			

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

THIRD READING OF SENATE JOINT RESOLUTION

SJR 50, relating to bingo, was taken up by Representative Scheve.

Representative Ballard offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Joint Resolution No. 50, Page 2, Section 39(a), Line 19, by deleting the words “**six months**” and inserting in lieu thereof the words “**one year**”.

Representative Loudon offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

House Substitute Amendment No. 1
for
House Amendment No. 1

AMEND Senate Joint Resolution No. 50, Page 2, Section 39(a), Lines 18-20, by deleting said lines and inserting in lieu thereof the following:

“(a) Is a bona fide member of the organization and volunteers the time and service necessary to conduct the game.”.

Representative Loudon moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Ballard moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 045

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Berkstresser	Black	Boatright	Champion
Chrismer	Crawford	Dolan	Elliott	Enz
Evans	Foster	Froelker	Gross	Hartzler 124
Hegeman	Hendrickson	Hohulin	Holand	Howerton
Kelley 47	King	Legan	Levin	Linton
Loudon	Marble	McClelland	Murphy	Myers
Phillips	Purgason	Reinhart	Rizzo	Sallee
Schwab	Scott	Secrest	Shields	Summers

NOES: 106

Abel	Auer	Barry 100	Bennett	Berkowitz
Blunt	Bonner	Boucher 48	Boykins	Bray 84
Britt	Burton	Campbell	Cierpiot	Crump
Curls	Davis 122	Davis 63	Days	Dougherty
Farnen	Fitzwater	Foley	Ford	Fraser
Gambaro	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hickey
Hilgemann	Hollingsworth	Hoppe	Kasten	Kelly 27
Kennedy	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Liese	Long	Luetkemeyer
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Miller	Monaco	Murray
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Pouche 30	Pryor	Ransdall
Reid	Relford	Reynolds	Richardson	Riley
Robirds	Ross	Scheve	Schilling	Seigfreid
Selby	Shelton	Skaggs	Smith	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 010

Backer	Clayton	Franklin	Gaskill	Hosmer
Leake	Lograsso	Patek	Ridgeway	Stokan

VACANCIES: 001

Representative Loudon offered **House Amendment No. 2.**

House Amendment No. 2

AMEND Senate Joint Resolution No. 50, Page 2, Section 39(a), Line 44, by adding one new subsection:

“(a) any club in existence for more than two years shall have no membership requirement.”.

On motion of Representative Loudon, **House Amendment No. 2** was adopted.

On motion of Representative Scheve, **SJR 50, as amended**, was read the third time and passed by the following vote:

AYES: 133

Abel	Alter	Auer	Barnett	Barry 100
Bennett	Berkowitz	Black	Blunt	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Champion	Cierpiot	Clayton
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Elliott	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Fraser	Froelker	Gambara	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Liese	Long	Luetkemeyer
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Pouche 30	Pryor
Ransdall	Reid	Relford	Reynolds	Richardson
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 021

Akin	Ballard	Bartelsmeyer	Bartle	Berkstresser
Boatright	Chrismer	Crawford	Gross	Hohulin
Legan	Levin	Linton	Loudon	Marble
McClelland	Miller	Phillips	Purgason	Reinhart
Summers				

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer	Franklin	Gaskill	Kelly 27	Lograsso
Patek	Ridgeway	Stokan		

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

BILL IN CONFERENCE

CCR HS SB 961, as amended, relating to military affairs, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **CCR HS SB 961, as amended**, was adopted by the following vote:

AYES: 149

Abel	Akin	Alter	Backer	Ballard
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Britt	Brooks
Burton	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Fraser	Froelker	Gambaro	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Levin
Liese	Linton	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Summers	Surface	Thompson	Townley
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

1586 *Journal of the House*

NOES: 003

Foster	Hartzler 124	Patek
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PRESENT: 000

ABSENT WITH LEAVE: 010

Auer	Bray 84	Franklin	Gaskill	Gunn
Legan	Lograsso	Sallee	Smith	Stokan

VACANCIES: 001

On motion of Representative Ransdall, **CCS HS SB 961** was truly agreed to and finally passed by the following vote:

AYES: 155

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Burton	Campbell	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reid	Reinhart
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 006

Franklin	Lograsso	Relford	Smith	Stokan
Wiggins				

VACANCIES: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 159

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Burton	Campbell	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Townley
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Franklin	Lograsso	Stokan
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VACANCIES: 001

On motion of Representative Treadway, title to the bill was agreed to.

Representative Wagner moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

BILL CARRYING REQUEST MESSAGE

HCS SS SB 813, as amended, relating to law enforcement officers, was taken up by Representative Kissell.

Representative Kissell moved that the House grant the Senate a further conference on **HCS SS SB 813, as amended**.

Which motion was adopted.

BILL IN CONFERENCE

CCR SCS HB 1948, relating to special mobile equipment, was taken up by Representative Gratz.

On motion of Representative Gratz, **CCR SCS HB 1948** was adopted by the following vote:

AYES: 152

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Burton	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen	Fitzwater
Ford	Foster	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	Kennedy
King	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Levin	Liese
Linton	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Boatright	Foley	Franklin	Kissell	Lograsso
Monaco	Patek	Sallee	Stokan	Williams 121

VACANCIES: 001

On motion of Representative Gratz, **CCS SCS HB 1948** was read the third time and passed by the following vote:

AYES: 150

Abel	Akin	Auer	Ballard	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	Kennedy
King	Klindt	Koller	Kreider	Lawson
Leake	Legan	Levin	Liese	Linton
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Miller	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 001

Alter

PRESENT: 000

ABSENT WITH LEAVE: 011

Backer	Franklin	Kissell	Lakin	Lograsso
Monaco	Patek	Sallee	Stokan	Treadway
Williams 121				

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Williams (159) moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

THIRD READING OF SENATE BILL

HCS SB 936, relating to taxation, was taken up by Representative Bray.

Representative Bray offered **HS HCS SB 936**.

Representative Bray offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 936, Page 145, Section C, Line 23, by inserting immediately after said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

(1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;

(2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;

(3) "Community development corporation", [a not for profit corporation and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities] **a not-for-profit corporation whose board of directors is composed of business, civic and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial and civic development or redevelopment of a community or area, including the provision of housing and community economic development projects that benefit low-income individuals and communities;**

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;

(6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;

(7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;

(8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which [employs] **has and retains for five years from the time of awarding credits pursuant to this section** at least eighty percent of its employees **working** in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;

(9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;

(10) "Principal owners", one or more persons who own an aggregate of [fifty] **thirty-five** percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a

target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions[;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval].

135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment [into a targeted area as defined in section 135.400]. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed [thirteen] **five million dollars per year** and at least [four] **two million five hundred thousand dollars per year** of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this [four] **two million [dollar amount] five hundred thousand dollars per year** shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment [into a targeted area] shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the [ten] **five** tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the [ten] **five** years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department** which names the transferee **and the amount of tax credit transferred**.

2. [The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of sections 135.400 to 135.430 shall not exceed nineteen million dollars. Six million] **Five hundred thousand** dollars in tax credits shall be available **annually from the total amount of tax credits authorized by section 32.110, RSMo, and subdivision (4) of subsection 2 of section 32.115, RSMo**, as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.

135.408. A qualified investment in a Missouri small business may be made either through an unsecured loan or the purchase of equity or unsecured debt securities of such business. Investors in a small business qualifying for tax credits [under] **pursuant to** the provisions of sections 135.400 to 135.430, however, must collectively own less than [fifty] **sixty-five** percent of a business after their investments are made. Qualified investments in a Missouri small business must be expended for capital improvements, plant, equipment, research and development, or working capital for the business or such business activity as may be approved by the department.

135.411. The amount of the qualified investment made in a Missouri small business must remain in that business

for a minimum of [five] **three** years. Withdrawal of the investment prior to the minimum [five-year] period shall result in revocation of the tax credit, and repayment of any amounts of the tax credit already applied against the investor's state tax liability. **The department may pro rate the revocation or repayment authorized by this section. The sale, change in control or going public of a business shall not trigger such revocation if the business continues to operate provided that all other requirements of the program are met.**

135.423. **Except as otherwise provided in this section,** the department may revoke a tax credit certificate issued pursuant to sections 135.400 to 135.430 or enforce repayment of any amounts of the tax credit already applied against the investor's state liability if any representation to the department in connection with the application proves to have been false when made or if the application violates any conditions established by the department and stated in the tax credit certificate. The revocation **or repayment** may be in full or in part as the department may determine. The department shall specify the amount of credit being revoked **or required to be repaid** and shall send notice of the revocation **or required repayment** to the investor and to the state department of revenue. **Remedies authorized by this section shall not be imposed against a good faith subsequent purchaser or transferee of a tax credit certificate issued pursuant to sections 135.400 to 135.430. Remedies imposed pursuant to this section by the department against any applicant or investor other than a good faith subsequent purchaser or transferee shall not affect the value of any tax credit held by a good faith subsequent purchaser or transferee.**

[135.430. The department of social services shall promulgate such rules and regulations, pursuant to chapter 536, RSMo, and section 660.017, RSMo, as are necessary to define and certify target areas as defined in section 135.400. The department of economic development shall promulgate such rules and regulations, pursuant to chapter 536, RSMo, and subsection 20 of section 620.010, RSMo, as are necessary to implement the provisions of sections 135.400 to 135.440 after a target area has been defined and certified by the department of social services.]

135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects [involving eligible residences] **in areas described in subdivision (6) of section 135.478,** and eight million dollars for projects [involving qualifying residences] **in areas described in subdivision (10) of section 135.478.** The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, RSMo, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

[135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are eligible for

the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.

4. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

5. The tax credits allowed pursuant to subsections 1, 2 and 3 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 3 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 4 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

6. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 or 3 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

7. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

8. An existing business located within a distressed community, that hires new employees within such distressed communities may be eligible for the tax credits provided in this section. In order to be eligible for such tax credits, the business located within the distressed community, during one of its tax years, must employ within such distressed communities at least twice as many workers as were employed at the beginning of that tax year. Prior to the addition of the new employees, the business shall have no more than one hundred employees. The provisions of this section shall apply only to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, or telecommunications business or a professional firm.]

135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship[,], which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than [seventy-five] **sixty** percent of its employees at [the facility] **facilities** in [the] distressed [community] **communities**, and which has fewer than one hundred **fifty** employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall [assign] **specify which** appropriate standard industrial classification numbers [to the companies which are], **or North American Industrial Classification System numbers assigned to a business make the business** eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for **the purchase of or at least a two-year lease of** computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of [seventy-five] **one hundred fifty** thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. **The maximum tax credit allowed pursuant to this subsection shall apply to entities which have previously qualified for a tax credit pursuant to this subsection for future tax years for which such entities qualify.**

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than [one] **two** hundred employees **in the distressed community** before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such

applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department** which names the transferee **and the amount of tax credits transferred. Remedies authorized by this section shall not be imposed against a good faith subsequent purchaser or transferee of a tax credit certificate issued pursuant to sections 135.400 to 135.430. Remedies imposed pursuant to this section by the department against any applicant or investor other than a good faith subsequent purchaser or transferee shall not affect the value of any tax credit held by a good faith subsequent purchaser or transferee.**

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed. **If the total amount of tax credits authorized pursuant to subsections 1, 2 and 3 of this section is not used in a given year, then such excess portion shall be added to the maximum amount of tax credits available pursuant to subsection 2 of section 348.302, RSMo, for the following year.**

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period. **A change in ownership or control of a taxpayer shall not revoke or otherwise restrict the tax credits allowed pursuant to this section.**

[135.766. An eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies.]

348.300. As used in sections 348.300 to 348.318, the following terms mean:

(1) "Commercial activity located in Missouri", any research, development, prototype fabrication, and subsequent precommercialization activity, or any activity related thereto, conducted in Missouri for the purpose of producing a service or a product or process for manufacture, assembly or sale or developing a service based on such a product or process by any person, corporation, partnership, joint venture, unincorporated association, trust or other organization doing business in Missouri. Subsequent to January 1, 1999, a commercial activity located in Missouri shall mean only such activity that is located within a distressed community, as defined in section 135.530, RSMo;

(2) "Follow-up capital", capital provided to a commercial activity located in Missouri **or any other Missouri business** in which a qualified fund has previously invested seed capital or start-up capital **within the previous three years** and which does not exceed ten times the amount of such seed and start-up capital;

(3) "Qualified contribution", cash contribution to a qualified fund;

(4) "Qualified economic development organization", any corporation organized under the provisions of chapter 355, RSMo, which has as of January 1, 1991, obtained a contract with the department of economic development to operate an innovation center to promote, assist and coordinate the research and development of new services, products or processes in the state of Missouri; and the Missouri technology corporation organized pursuant to the provisions of sections 348.253 to 348.266;

(5) "Qualified fund", any corporation, partnership, joint venture, unincorporated association, trust or other organization which is established under the laws of Missouri after December 31, 1985, which meets all of the following requirements established by this subdivision. The fund shall have as its sole purpose and business the making of investments, of which at least ninety percent of the dollars invested shall be qualified investments. The fund shall enter into a contract with one or more qualified economic development organizations which shall entitle the qualified

economic development organizations to receive not less than ten percent of all distributions of equity and dividends or other earnings of the fund. Such contracts shall require the qualified fund to transfer to the Missouri technology corporation organized pursuant to the provisions of sections 348.253 to 348.266, this interest and make corresponding distributions thereto in the event the qualified economic development organization holding such interest is dissolved or ceases to do business for a period of one year or more;

(6) "Qualified investment", any investment of seed capital, start-up capital, or follow-up capital in any commercial activity located in Missouri;

(7) "Person", any individual, corporation, partnership or other entity;

(8) "Seed capital", capital provided to a commercial activity located in Missouri for research, development and precommercialization activities to prove a concept for a new product or process or service, and for activities related thereto;

(9) "Start-up capital", capital provided to a commercial activity located in Missouri for use in preproduction product development or service development or initial marketing thereof, and for activities related thereto;

(10) "State tax liability", any state tax liability incurred by a taxpayer under the provisions of chapters 143, 147 and 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;

(11) "Uninvested capital", the amount of any distribution, other than of earnings, by a qualified fund made within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318; or the portion of all qualified contributions to a qualified fund which are not invested as qualified investments within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318 to the extent that the amount not so invested exceeds ten percent of all such qualified contributions.

348.302. 1. Any person who makes a qualified contribution to a qualified fund shall be entitled to receive a tax credit equal to [fifty] **seventy-five** percent of the amount of the qualified contribution. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 348.300 to 348.318 and may be used to satisfy the state tax liability of the owner of such certificate that becomes due in the tax year in which the qualified contribution is made, or in any of the ten tax years thereafter. No person may receive a tax credit pursuant to sections 348.300 to 348.318 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability.

2. The amount of such qualified contributions which can be made is limited so that the aggregate of all tax credits authorized [under] **pursuant to** the provisions of sections 348.300 to 348.318 shall not exceed [nine] **four** million dollars **per year plus any unused amounts from the previous year pursuant to sections 135.535, RSMo.** All tax credits authorized [under] **pursuant to** the provisions of this section may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credits transferred.**

620.470. As used in sections 620.470 to 620.481, unless the context clearly requires otherwise, the following terms mean:

(1) "Department", the Missouri department of economic development;

(2) "Fund", the Missouri job development fund as established by section 620.478;

(3) "Industry", an entity the objective of which is to supply a service or the objective of which is the commercial production and sale of an article of trade or commerce. **The term includes a consortium of such entities organized for the purpose of providing for common training to the member entities' employees, provided that the consortium as a whole meets the requirements for participation in this program;**

(4) "Manufacturing", the making or processing of raw materials into a finished product, especially by means of large-scale machines of industry.

620.474. 1. The department shall establish a basic industry retraining program, the purpose of which is to provide assistance for industries in Missouri for the retraining and upgrading of employees' skills which are required to support new [capital] investment. Such program shall be operated with appropriations made by the general assembly from the fund.

2. Assistance under the basic industry retraining program may be made available for industries in Missouri which make new investments [in manufacturing] without the creation of new employment.

3. The department shall issue rules and regulations governing the awarding of funds administered through the basic industry retraining fund. When promulgating these rules and regulations, the department shall consider such factors as the number of jobs in jeopardy of being lost if retraining does not occur, the amount of private sector investment in new facilities and equipment, the ratio of jobs retained versus investment, the cost of normal, ongoing

training required for the industry, the economic need of the affected community, and the importance of the industry to the economic development of Missouri.

620.1039. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41.

2. **For tax years beginning on or after January 1, [1994] 2001, the director of the department of economic development may authorize a taxpayer [may be allowed] to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo[, if approved by the director of the department of economic development,] in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years[; except that], **plus for a taxpayer which has a total of at least one hundred fifty employees but no more than five hundred employees, an amount up to the proportion of such qualified research expenses incurred at facilities with employees working in distressed communities as defined in section 135.530, RSMo, multiplied by an additional six and one-half percent for a maximum of thirteen percent if all such qualified research expenses were incurred at facilities in distressed communities. Notwithstanding any provisions of law to the contrary:****

(1) The director may authorize a taxpayer which has a total of fewer than one hundred fifty employees, and which is located in a distressed community as defined in section 135.530, RSMo, to receive a tax credit pursuant to this subsection in an amount up to the greater of:

(a) **Thirty percent of the excess of the taxpayer's qualified research expenses incurred within this state during the taxable year over the average of the taxpayer's qualified research expenses for the immediately preceding three taxable years or fewer if the taxpayer has been in existence less than four years; or**

(b) **Twenty percent of the taxpayer's qualified research expenses for the taxable year; and**

(2) No tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years **except that a taxpayer that has been in existence for three years shall be limited to two hundred percent of the average expenses incurred during the immediately preceding two taxable years, a taxpayer that has been in existence for two years shall be limited to two hundred percent of the expenses incurred during the immediately preceding taxable year, and a taxpayer that has been in existence for one year shall not be so limited.** [In order to receive a tax credit pursuant to this section, certification by the director of the department of economic development shall be required as proof that the taxpayer made qualified research expenses during the taxable year.]

3. The director of economic development shall prescribe the manner in which the tax credit may be [claimed] **applied for.** The tax credit [allowed] **authorized** by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for [claiming] tax credits [allowed in] **authorized by the director pursuant to** subsection 2 of this section shall be made [in] **no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.**

4. **Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at a state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer, and a state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.**

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it

has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

[4.] **6.** The aggregate of all tax credits authorized pursuant to this section shall not exceed [ten] **nine million seven hundred thousand** dollars in any taxable year. **At least twenty-five percent of all tax credits allowed annually pursuant to this section shall be issued for qualified research expenses at facilities with employees working in distressed communities as defined in section 135.530, RSMo, unless by November fifteenth of each calendar year for such expenses at such facilities a lesser amount has been applied for; in such event, the portion of such credits unapplied for shall be available for the remainder of the year in the same way in which tax credits are otherwise available in this section. This amount for taxpayers in distressed communities shall in no way restrict the ability of taxpayers in such communities from qualifying for a credit up to six and one-half percent as otherwise authorized by this section.**

620.1400. Sections 620.1400 to 620.1460 shall be known and may be cited as the "Missouri [Individual Training Account] **Skills Development Tax Credit Program Act**" and its provisions shall be effective only within distressed communities as defined by section 135.530, RSMo, **except for employers applying for the training of mature workers in high demand industries.**

620.1420. As used in sections 620.1400 to 620.1460, the following terms mean:

(1) "Costs of classroom training", the normal costs incurred in the provision of classroom training which may also include specifically identified costs incurred for instructors, classroom space and facilities, administrative support services, and directly related expenses, that together do not exceed the amount normally allowed for support of vocational and technical classes;

(2) "Department", the department of economic development;

(3) "Employee", a full-time or part-time employed worker whose salary is equal to or less than two hundred percent of the federal poverty level;

(4) "Employee upgrade training", the progressive development of skills associated with the defined set of work processes. Such training shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progressive earnings and related benefits, that are recognized within an occupation, trade or industry;

(5) **"High demand industry", the child care services industry and any other industry determined by the director of the department of economic development to have a shortage of skilled workers;**

(6) "[Individual training] **Skills Development** account", an account funded by the tax credits provided for in section 620.1440 for the provision of employee upgrade training to employees **and mature workers** through their participation in classroom training provided by educational institutions;

[(6)] (7) "Local educational institution", a publicly funded or privately funded local educational institution which is certified by a recognized accrediting association as capable of providing adequate classroom training **or any not-for-profit corporation approved by the director to offer educational services** to accomplish the purpose of sections 620.1400 to 620.1460;

(8) **"Mature worker", an individual at least fifty years of age living anywhere in Missouri whose employer applies for his or her training for the provision of child care services or another high demand industry as determined by the director of the department of economic development. To be eligible for this program, a mature worker must meet any one of the following requirements:**

(a) **The family income is at or below two hundred percent of the poverty level;**

(b) **The individual is receiving public support for the care of a foster child; or**

(c) **The individual faces serious barriers to employment, including displaced homemakers, dislocated workers, veterans or individuals who possess outdated skills.**

620.1430. 1. A Missouri employer **or group of employers** who [desires] **desire** to participate in the [individual training account program] **skills development tax credit** shall provide the department of economic development with notification of intent to participate. The notification shall include, but need not be limited to, the names and occupations of employees **or mature workers** whom [the] **each** employer has selected to be trained, whether or not the employees **or mature workers** are currently working for the employer, the name of the local educational institution that will

provide the training, and a brief description of the training to be given by the institution.

2. The employer **or group of employers** shall have complete discretion in the selection of the local educational institution or institutions to provide training and shall be responsible for the payment of the costs of classroom training.

620.1440. 1. Employers may be reimbursed for the costs of training provided pursuant to the provisions of the [individual training] **skills development** account program. Such reimbursement shall be in the form of tax credits as authorized in subsection 2 of this section. The tax credits may be claimed for courses provided in no more than two calendar years for each employee. For each year, the maximum amount of credit per employee **or mature worker** which can be certified by the department of economic development shall be the lesser of fifty percent of the costs of classroom training or [one] **two** thousand five hundred dollars.

2. Tax credits may be claimed against any liability incurred by the employer pursuant to the provisions of chapter 143, RSMo, and chapter 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo. Earned tax credits may be carried forward for a period not to exceed five years [and may be sold or transferred]. **Certificates of tax credit issued in accordance with this program may be transferred, sold or assigned by filing a notarized endorsement thereof with the department of economic development which names the transferee and the amount of tax credits transferred.**

3. No claim for tax credits submitted to the department by an employer shall be certified until the employer provides documentation that an employee **or mature worker** has successfully completed the employee's **or mature worker's** course training and has been employed by the employer in a new, full-time position for a period of at least three months **or in a new, part-time position for a mature worker in a high demand industry for a period of at least one month**. It must be demonstrated satisfactorily to the department that the new position in which the employee located is an upgrade in employment, in terms of salary and responsibilities, from the previously held position **or that the training of the person will improve the workforce in a high demand industry**. All such increases in salary shall be in addition to normal cost-of-living increases provided for in authorized labor-management contracts. If the employee was previously employed in a part-time position, the base salary for the position shall be calculated as if it were a full-time position.

620.1450. The maximum amount of tax credits allowable [pursuant to the provisions of] **through** the [individual training] **skills development** account program shall not [annually] exceed [six] **one** million dollars. **For half of this amount, the department shall give preference to applications which benefit mature workers in a high demand industry.**

[620.1560. 1. For purposes of this section, the following terms mean:

(1) "Department", the department of economic development;
 (2) "Disadvantaged", an individual shall be considered disadvantaged and eligible to participate in the program if such individual meets any one of the following elements:

(a) The family income is at or below one hundred fifty percent of the poverty line;
 (b) The individual is receiving public support for the care of a foster child;
 (c) The individual faces serious barriers to employment including displaced homemakers; dislocated workers; veterans; or individuals who possess outdated skills;

(3) "Program", the mature worker child care program.

2. There is hereby established within the department of economic development a program to be known as the "Mature Worker Child Care Program". The program will administer a statewide community service, in cooperation with the neighborhood assistance program, to enroll disadvantaged individuals, who are fifty years of age or older, to work in child-care assignments. Enrollees may include qualified individuals who are currently participating in existing community service programs.

3. The department shall solicit proposals from organizations seeking to contract to supervise the participants. Organizations that are awarded a contract will be responsible for recruiting and training participants, locating child-care assignments, and paying participants. Contract proposals shall include:

(1) A requirement that participants in the program be paid the federal minimum wage;
 (2) A process that allows participants to work an average of twenty- four hours a week for public and not for profit day care providers and for school latch-key programs that provide before- and after-school care;
 (3) A description of the range of services to be performed by program participants, including, but not limited to, child care, food preparation, transportation, activity coordination, and clerical duties;
 (4) A requirement that the participating facilities provide proof of required licensure under sections 210.201 to 210.259, RSMo, with the exception of the public school system.

4. The program shall be implemented by July 1, 2000, and shall be funded through general revenue funds with

no more than twelve percent of the funds to be used for administrative purposes.

5. In addition to tax credits currently available under the neighborhood assistance program, a participating facility shall be allowed a credit against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, pursuant to this section. The amount of tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. Taxpayers eligible for such tax credit may transfer, sell or assign them. Individual salaries up to ten thousand dollars per program participant each taxable year are eligible for the tax credit which shall not exceed twenty-five percent of the eligible salary amount. Total tax credits taken through the program shall not exceed two million dollars.

6. The department of economic development shall verify all tax credit claims by participating facilities. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1999.

7. Subject to appropriations and to the provisions of chapter 34, RSMo, the oversight division of the committee on legislative research shall award up to thirty thousand dollars every two years for an independent evaluation of the program. Based on this program evaluation, the department shall provide a comprehensive report on the program to the speaker of the house and the president pro tem of the senate by March first of each year, beginning in 2001.]

Section B. The repeal and reenactment of sections 135.200, 135.430, 620.470 and 620.1039 of this act shall become effective January 1, 2001, and apply to tax years beginning on and after January 1, 2001.

Section C. Because of the need to reallocate and extend the tax credits contained in this act, sections 135.400, 135.403, 135.408, 135.411, 135.423, 135.484, 135.535, 348.300, 348.302, 620.1400, 620.1420, 620.1430, 620.1440 and 620.1450 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 135.400, 135.403, 135.408, 135.411, 135.423, 135.484, 135.535, 348.300, 348.302, 620.1400, 620.1420, 620.1430, 620.1440 and 620.1450 of this act shall be in full force and effect upon its passage an approval."; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Bray, **House Amendment No. 1** was adopted.

Representative Auer offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 936, Page 145, Section C, Line 23, by inserting after said line the following:

"Section D. Sections 143.171 and 160.500, RSMo 1994, and section 144.030, RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 143.171, 144.030 and 160.500, to read as follows:

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for [his] **such taxpayer's** federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. (1) For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for [his] **such taxpayer's** federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

(2) **For all tax years beginning on or after January first of the taxable year immediately following the effective date of this act, an individual taxpayer shall be allowed a deduction for such taxpayer's federal income**

tax liability pursuant to chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed three thousand dollars on a single taxpayer's return or six thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which [he] **the taxpayer** was not previously entitled to a Missouri deduction is later paid or accrued, [he] **such taxpayer** may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered

materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more

physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and lubricants used exclusively for such farm machinery and equipment and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption

certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003.

3. As of July 1, 2002, there is further specifically exempted from the provisions of the local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to the provisions of sections 144.757 to 144.761, retail sales of food as defined in section 144.014. Any revenue lost by counties and political subdivisions shall be replaced by additional state revenue derived from a reduction of the federal income tax deduction pursuant to subdivision (2) of subsection 2 of section 143.171, RSMo, which shall be deemed to be local tax revenue. The state treasurer shall deposit all additional state revenues derived from the reduction of the federal income tax deduction pursuant to subdivision (2) of subsection 2 of section 143.171, RSMo, into the "Local Revenue Replacement Fund" which is hereby created, less two percent for administrative costs. The money collected shall be distributed by the director of revenue solely to counties and political subdivisions in the amount necessary to replace the revenue lost by each county and political subdivision as a result of the exemption provided in this subsection; and further these moneys shall not be subject to appropriation. Any unexpended balance at the end of each biennium shall remain in the fund. The director of revenue is authorized to examine sales tax collection records for every county and political subdivision to estimate the amount of revenue derived by each county and political subdivision from its local sales tax on food and reimburse them for lost revenue accordingly.

160.500. 1. Sections 160.500 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610, RSMo, sections 162.203 and 162.1010, RSMo, section 163.023, RSMo, sections 166.275 and 166.300, RSMo, section 170.254, RSMo, section 173.750, RSMo, and sections 178.585 and 178.698, RSMo, may be cited as the "Outstanding Schools Act" and includes provisions relating to reduced class size, the A+ schools program, funding for parents as teachers and early childhood development, teacher training, the upgrading of vocational and technical education, measures to promote accountability and other provisions of those sections.

2. There is hereby established in the state treasury the "Outstanding Schools Trust Fund". The moneys in the fund shall be available to support only the provisions, reforms and programs referenced in subsection 1 of this section or otherwise contained in [this act] **senate bill no. 380 of the eighty-seventh general assembly**. The fund shall consist of moneys required by law to be credited to such fund and moneys appropriated annually by the general assembly. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited by the state treasurer to the fund. Of all refunds made of taxes deposited into the fund, the appropriate percentage of any refund shall be paid from the fund or deducted from transfers to the fund.

3. The commissioner of administration shall estimate and furnish to the state treasurer the appropriate net increase in the amount of state tax revenues collected and any adjustments to previous estimates pursuant to [this act] **senate bill no. 380 of the eighty-seventh general assembly** from the following: the additional one and one-fourth percent tax on Missouri taxable income collected [under] **pursuant to** subsection 2 of section 143.071, RSMo; and the reduction of the federal income tax deduction pursuant to [subsections] **subdivision (1) of subsection 2 of section 143.171, RSMo, and subsection 3 of section 143.171, RSMo**, not including any change in tax collections resulting from any revision of the federal tax code made after January 1, 1993. The treasurer shall transfer monthly from general revenue an amount equal to the estimate to the outstanding schools trust fund established in subsection 2 of this section.

Section E. The repeal and reenactment of sections 143.171 and 160.500, RSMo 1994, shall become effective January 1, 2001.

Section F. The repeal and reenactment of Section 144.030, RSMo Supp. 1999, shall become effective July 1, 2001."; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Reid requested a division of the question on **House Amendment No. 2.**

House Amendment No. 2

PART I

AMEND House Substitute for House Committee Substitute for Senate Bill No. 936, Page 145, Section C, Line 23, by inserting after said line the following:

“Section D. Sections 143.171 and 160.500, RSMo 1994, and section 144.030, RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 143.171, 144.030 and 160.500, to read as follows:

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for [his] **such taxpayer's** federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. (1) For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for [his] **such taxpayer's** federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

(2) **For all tax years beginning on or after January first of the taxable year immediately following the effective date of this act, an individual taxpayer shall be allowed a deduction for such taxpayer's federal income tax liability pursuant to chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed three thousand dollars on a single taxpayer's return or six thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).**

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which [he] **the taxpayer** was not previously entitled to a Missouri deduction is later paid or accrued, [he] **such taxpayer** may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.”.

Representative Auer moved that **Part I of House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 009

Auer
Murray

Bray 84
O'Toole

Days
Reynolds

Farnen
Schilling

McLuckie

NOES: 147

Abel	Akin	Alter	Backer	Ballard
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Britt	Burton
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Dolan	Dougherty	Elliott	Enz	Evans
Fitzwater	Foley	Ford	Foster	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Legan	Levin
Liese	Linton	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Miller	Monaco
Murphy	Myers	Naeger	Nordwald	O'Connor
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 005

Franklin	Lawson	Leake	Lograsso	Stokan
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VACANCIES: 001

Part II of House Amendment No. 2 was withdrawn.

HCS SS SB 936, with HS, as amended, pending, was placed on the Informal Calendar.

Speaker Gaw resumed the Chair.

MOTION

Representative Crump moved that Rule 26 be suspended to allow House conferees to meet while the House is in session on May 10, 2000.

Which motion was adopted by the following vote:

1608 *Journal of the House*

AYES: 143

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bennett	Berkowitz	Berkstresser
Black	Blunt	Boatright	Bonner	Boucher 48
Boykins	Bray 84	Britt	Brooks	Burton
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Linton	Long	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Ransdall	Reid	Reinhart
Relford	Reynolds	Ridgeway	Riley	Rizzo
Robirds	Ross	Scheve	Schilling	Schwab
Secrest	Seigfreid	Selby	Shelton	Skaggs
Smith	Summers	Surface	Thompson	Townley
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 009

Bartelsmeyer	Bartle	Hendrickson	Hohulin	Lograsso
Loudon	Murphy	Purgason	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Ballard	Franklin	Klindt	Leake	Ostmann
Richardson	Sallee	Scott	Shields	Stokan

VACANCIES: 001

SENATE BILL FOR THIRD READING

HCS SS SCS SB 763, relating to telemarketing, was taken up by Representative Kissell.

Representative Abel offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 24, by inserting the following:

“(e) Made to a consumer to set an appointment or attempt to set an appointment for a subsequent face to face meeting between the consumer and the person making the call.”.

Representative Relford assumed the Chair.

Representative Gratz offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 19, by deleting the word: "**or**"; and

Further amend said bill, Page 10, Section 407.1095, Line 11, by inserting after the word "**include**" the following: "**such**"; and

Further amend said bill, Page 10, Section 407.1095, Line 24, by inserting after the word "**list**" the following:

"**; or**"

(e) By any natural person who is licensed as a professional by any office, division, agency, or commission of this state, who makes less than one hundred of such communications per week to residential subscribers"; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Gratz moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated.

House Amendment No. 1 was withdrawn.

Representative Clayton offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 7, Section 407.1079, Line 17, by inserting at the end of said line the following:

"2. The seller and the telemarketer calling on behalf of the seller may, by written agreement, allocate responsibility between themselves for the record keeping required by this section. When a seller and telemarketer have entered into such an agreement, the terms of the agreement shall govern, and the seller or telemarketer, as the case may be, need not keep records that duplicate those of the other. If the agreement is unclear as to who must maintain any required record, or if no such agreement exists, the seller shall be responsible for complying with subdivisions (1), (2), (3) and (5) of subsection 1 of this section and the telemarketer shall be responsible for complying with subdivision (4) of subsection 1 of this section."; and

Further amend said bill, Section 407.1076, Page 6, Lines 51-53 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"(10) Knowingly provide assistance or support to any telemarketer when that person knows or consciously avoids knowing that the telemarketer is engaged in any act in violation of sections 407.1070 to 407.1085."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Monaco assumed the Chair.

On motion of Representative Clayton, **House Amendment No. 2** was adopted.

Representative Gunn offered **House Amendment No. 3**.

House Amendment No. 3 was withdrawn.

Representative Merideth offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 4, Subsection 5, Lines 14-16, by striking the following:

“and that if such consumer wishes to discontinue such call, such consumer should hang up immediately.”.

On motion of Representative Merideth, **House Amendment No. 3** was adopted.

Representative Abel offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 24, by inserting the following:

“(e) By any natural person who makes less than seventy-five of such communications per week to residential subscribers.”.

Representative Patek offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

Representative Foley raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 4** is dilatory.

Representative Monaco requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

House Substitute Amendment No. 1 for House Amendment No. 4 was withdrawn.

Speaker Gaw resumed the Chair.

Representative Gratz offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

*House Substitute Amendment No. 1
for
House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 24, by deleting the word "**or**"; and

Further amend said bill, Page 10, Section 407.1095, Line 11, by inserting after the word "**include**" the following: "**such**"; and

Further amend said bill, Page 10, Section 407.1095, Line 24, by inserting after the word "**list**" the following:

"**; or**

(e) any natural person who makes less than one hundred of such communications per week to residential subscribers, this exception shall not apply to any natural person employed by an entity which has telemarketing as defined in section 407.1070, RSMo, as its principal business"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Gratz, **House Substitute Amendment No. 1 for House Amendment No. 4** was adopted.

Representative Scheve assumed the Chair.

Representative Hendrickson offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 8, Section 407.1083, Lines 19-20, by deleting the words "**direct mail or**".

Representative Hendrickson moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Gunn offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 15, by deleting "**sixty days**" and inserting in lieu thereof "**180 days**".

On motion of Representative Gunn, **House Amendment No. 6** was adopted.

Representative Schilling offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 11, Section 407.1104, Line 1, by deleting all of said section.

Representative Patek offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Substitute Amendment No. 1
for
House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1101, Line 1, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 3, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 5, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 8, by deleting the following: "**attorney general's**" and inserting in lieu thereof the following: "**secretary of state's**"; and

Further amend said bill, page and section, Line 12, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 11, Section 407.1101, Line 26, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 33, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 37, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill and page, section 407.1104, Line 1, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 2, by deleting the following: "**Attorney General's**" and inserting in lieu thereof the following: "**Secretary of State's**"; and

Further amend said bill, page and section, Line 4, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 12, section 407.1104, Line 13, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 17, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 20, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 21, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 13, Section 407.1104, Line 45, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 14, Section 407.1113, Line 1, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 5, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 7, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 8, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 9, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 11, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 12, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**";

Representative Hollingsworth raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 7** is not a true substitute amendment.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Patek, **House Substitute Amendment No. 1 for House Amendment No. 7** was adopted by the following vote:

AYES: 092

Barry 100	Bartelsmeyer	Bartle	Bennett	Berkstresser
Black	Blunt	Boatright	Bonner	Brooks
Burton	Champion	Chrismer	Cierpiot	Clayton
Crawford	Dolan	Elliott	Enz	Evans
Fitzwater	Ford	Foster	Fraser	Froelker
Gambaro	Gaskill	Gibbons	Graham 106	Gratz
Griesheimer	Gross	Hanaway	Hartzler 124	Hegeman
Hendrickson	Hilgemann	Hohulin	Hoppe	Howerton
Kelley 47	Kennedy	King	Klindt	Levin
Liese	Linton	Lograsso	Loudon	Luetkemeyer
May 108	McClelland	Merideth	Miller	Murphy
Myers	Naeger	Nordwald	O'Toole	Ostmann
Patek	Phillips	Pouche 30	Pryor	Purgason
Reid	Reinhart	Reynolds	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schwab	Scott	Secrest	Seigfreid	Shields
Skaggs	Summers	Surface	Thompson	Townley
Tudor	Vogel	Wagner	Williams 159	Wilson 42
Wright	Mr. Speaker			

NOES: 052

Abel	Akin	Alter	Auer	Barnett
Berkowitz	Boucher 48	Bray 84	Britt	Campbell
Crump	Curls	Davis 122	Davis 63	Days
Dougherty	Farnen	Foley	Franklin	George
Graham 24	Green	Hagan-Harrell	Hampton	Harlan
Hickey	Hollingsworth	Hosmer	Kelly 27	Kissell
Kreider	Lakin	Luetkenhaus	Mays 50	McKenna
McLuckie	Monaco	Murray	O'Connor	Overschmidt
Parker	Ransdall	Schilling	Selby	Shelton
Smith	Treadway	Troupe	Van Zandt	Ward
Williams 121	Wilson 25			

PRESENT: 000

ABSENT WITH LEAVE: 018

Backer	Ballard	Boykins	Gunn	Hartzler 123
Holand	Kasten	Koller	Lawson	Leake
Legan	Long	Marble	McBride	Relford
Richardson	Stokan	Wiggins		

VACANCIES: 001

Representative Schilling offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 11, Section 407.1104, Line 1, by deleting all of said section.

Representative Kissell raised a point of order that **House Amendment No. 8** is dilatory.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Schilling, **House Amendment No. 8** was adopted.

Representative Davis (122) offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 19, by inserting after the word "**established**" the following:

", provided that a bona fide member of such exempt organization makes the voice communication"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Davis (122), **House Amendment No. 9** was adopted.

Representative Hanaway offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 10, by inserting after the word “**services**” the following:

“; encouraging a person to vote for or against any candidate for political office or any ballot initiative,”.

Representative Hanaway moved that **House Amendment No. 10** be adopted.

Which motion was defeated.

Representative Crawford offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 7, Section 407.1082, Line 9, by deleting the letter “**A**” and inserting in lieu thereof the letter “**B**”; and

Further amend said section, Page 8, Line 17, by deleting the letter “**A**” and inserting in lieu thereof the letter “**B**”.

Representative Crawford moved that **House Amendment No. 11** be adopted.

Which motion was defeated.

On motion of Representative Kissell, **HCS SS SCS SB 763, as amended**, was adopted by the following vote:

AYES: 145

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Bray 84	Britt	Brooks	Burton
Campbell	Champion	Chrimer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Dolan	Dougherty	Elliott	Enz	Evans
Farnen	Fitzwater	Foley	Foster	Franklin
Fraser	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Kreider
Lakin	Lawson	Leake	Legan	Liese
Linton	Long	Loudon	Luetkenhaus	Marble
May 108	Mays 50	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface

1616 *Journal of the House*

Thompson	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 004

Lograsso	Luetkemeyer	Purgason	Townley
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PRESENT: 000

ABSENT WITH LEAVE: 013

Auer	Ballard	Boykins	Days	Ford
Froelker	Gunn	Koller	Levin	McBride
Murphy	Sallee	Stokan		

VACANCIES: 001

On motion of Representative Kissell, **HCS SS SCS SB 763, as amended**, was read the third time and passed by the following vote:

AYES: 141

Abel	Akin	Alter	Backer	Barry 100
Bartelsmeyer	Bartle	Bennett	Berkowitz	Berkstresser
Black	Blunt	Boatright	Bonner	Boucher 48
Bray 84	Britt	Brooks	Burton	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Elliott	Enz	Evans
Farnen	Fitzwater	Foley	Foster	Franklin
Fraser	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Howerton	Kelley 47	Kennedy	King	Kissell
Klindt	Kreider	Lawson	Leake	Legan
Liese	Linton	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Relford	Reynolds
Ridgeway	Rizzo	Robirds	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 021

Auer	Ballard	Barnett	Boykins	Ford
Froelker	Gunn	Hosmer	Kasten	Kelly 27
Koller	Lakin	Levin	McBride	Reinhart
Richardson	Riley	Ross	Sallee	Stokan
Troupe				

VACANCIES: 001

Representative Scheve declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Reynolds moved that the vote by which the bill passed be reconsidered.

Representative Shelton moved that motion lay on the table.

The latter motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HS HCS SB 858: Representatives Smith, Skaggs, Monaco, Gibbons and Ridgeway

RE-APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HCS SS SB 813: Representatives Kissell, Britt, McLuckie, Dolan and Barnett

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HA 2** to **SJR 50**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 3 on **HCS SB 944, as amended**, and has taken up and passed **CCS #2 HCS SB 944, as amended**, by **Conference Committee Amendment No. 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SB 1053, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1591**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Bill No. 1591, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for House Bill No. 1591; and
2. That Senate Committee Substitute for House Bill No. 1591 with the attached Conference Committee Amendment No. 1 be adopted.

FOR THE HOUSE:

/s/ Gracia Backer
/s/ Tom Hoppe
/s/ Rita Days
/s/ John Griesheimer
/s/ Mark Richardson

FOR THE SENATE:

/s/ J. T. Howard
/s/ William L. Clay, Jr.
/s/ Danny Staples
/s/ Doyle Childers
/s/ Betty Sims

Conference Committee Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 1591, Page 2, Section 344.040, Line 35, by deleting the word "**six**" and inserting in lieu thereof the word "**two**"; and

Further amend said bill, Page 2, Section 344.040, Line 37, by inserting after the word "**thirtieth**" the following:

"; provided, however, that nothing in this section shall prevent the board from taking any other disciplinary action against a licensee if there shall exist a cause for discipline pursuant to section 344.050"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Foley, the House recessed until 2:15 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Gaw.

SUPPLEMENTAL CALENDAR

May 10, 2000

SENATE JOINT RESOLUTION FOR THIRD READING

HCS SS SS#3 SJR 35 - Graham (24)

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1601 - Representative Liese
 House Resolution No. 1602 - Representative Treadway
 House Resolution No. 1603 - Representative Kreider
 House Resolution No. 1604
 through
 House Resolution No. 1617 - Representative Cierpiot
 House Resolution No. 1618 - Representative Farnen

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 678 & 742 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE BILL WITH SENATE AMENDMENT

SJR 50, with House Amendment No. 2, relating to bingo, was taken up by Representative Scheve.

Representative Scheve moved that the House refuse to recede from its position on **House Amendment No. 2** to **SJR 50** and grant the Senate a conference.

Which motion was adopted by the following vote:

AYES: 139

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Britt	Brooks	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kelley 47	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Leake	Legan	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Monaco	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Rizzo
Robirds	Ross	Scheve	Schilling	Schwab

1620 *Journal of the House*

Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Troupe	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 023

Ballard	Berkstresser	Bray 84	Burton	Dougherty
Elliott	Hohulin	Kasten	Levin	McLuckie
Miller	Murray	Ridgeway	Riley	Sallee
Scott	Secrest	Seigfreid	Stokan	Townley
Treadway	Tudor	Wilson 25		

VACANCIES: 001

BILL IN CONFERENCE

CCR #3 HCS SB 944, as amended, relating to school safety, was taken up by Representative Smith.

On motion of Representative Smith, **CCR #3 HCS SB 944, as amended**, was adopted by the following vote:

AYES: 149

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Britt	Brooks	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Liese	Linton	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McBride	McClelland	McKenna	McLuckie	Merideth
Miller	Monaco	Murphy	Murray	Myers
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Thompson
Townley	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer	Ballard	Bray 84	Burton	Elliott
Hohulin	Kasten	Levin	Naeger	Sallee
Stokan	Surface	Wilson 25		

VACANCIES: 001

On motion of Representative Smith, **CCS #2 HCS SB 944, as amended by Conference Committee Amendment No. 1**, was truly agreed to and finally passed by the following vote:

AYES: 143

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Black	Blunt	Boatright	Boucher 48	Boykins
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kelley 47	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Leake	Legan	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reid	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Thompson	Townley
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Auer	Ballard	Berkstresser	Bonner	Bray 84
Burton	Elliott	Hohulin	Kasten	Kelly 27
Levin	Lograsso	Naeger	Reinhart	Sallee
Stokan	Summers	Surface	Wilson 25	

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Curls, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fraser moved that motion lay on the table.

The latter motion prevailed.

BILL CARRYING REQUEST MESSAGE

HS SB 1053, as amended, relating to profiling, was taken up by Representative Days.

Representative Days moved that the House refuse to recede from its position on **HS SB 1053, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HS SB 1053: Representatives Days, Backer, Gunn, Ross and Tudor

SJR 50: Representatives Scheve, O'Toole, Foley, Surface and Griesheimer

HS HCS SS SB 549: Representatives Van Zandt, Gaw, Smith, Gibbons and Hanaway

THIRD READING OF SENATE BILL

HCS SS SCS SBs 678 & 742, relating to judicial and administrative procedure, was taken up by Representative May (108).

Representative May (108) offered **HS HCS SS SCS SBs 678 & 742**.

Representative Hanaway raised a point of order that **HS HCS SS SCS SBs 678 & 742** goes beyond the scope of the original bill.

The Chair ruled the point of order well taken.

Representative Clayton offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 30, Section 537.675, Line 29, by deleting the word "**may**"; and

Further amend said section and line by inserting after the word "**which**" the word "**shall**".

On motion of Representative Clayton, **House Amendment No. 1** was adopted.

Representative Green offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 14, Section 429.145, by striking all of said section; and

Further amend the title and enacting clause accordingly.

On motion of Representative Green, **House Amendment No. 2** was adopted.

Representative Backer offered **House Amendment No. 3**.

Representative May (108) raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kreider offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 4, Section 67.133, Line 14, by inserting after all of said line the following:

"70.300. Whenever the contracting party is a political subdivision of this state, the execution of all contracts shall be authorized by a majority vote of the members of the governing body. Each **cooperative** contract shall be in writing and a copy filed in the office of the secretary of state [and in the office of the recorder of deeds in the county in which each contracting municipality or political subdivision is situated]."; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Backer raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Kreider, **House Amendment No. 3** was adopted.

Representative May (108) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Pages 14-15, Section 429.270, Lines 16-20, by striking all of the bold-faced language on said lines and inserting in lieu thereof the following:

"It shall be a complete defense to a mechanic's lien filed against real estate in this state for the owner or lessee thereof to show that the full consideration agreed upon by the owner or lessee has been paid to the person or persons with whom the owner or lessee entered into an agreement for the improvements to the real estate to which the lien relates or would otherwise attach unless the lien claimant provides written notice to the owner or lessee via certified mail before the expiration of thirty days after the lien claimant first performs any work

or delivers any materials for the improvements to the real estate. The notice required by this section shall state the name and business address of the potential lien claimant and shall identify the date upon which the potential lien claimant first performed work or delivered materials. The provisions of this section shall not apply to residential property as defined by section 429.013.”.

On motion of Representative May (108), **House Amendment No. 4** was adopted.

Representative Green offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 10, Section 286.010, Line 24 of said page, by inserting immediately after said line the following:

"302.535. 1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536, RSMo. The petition shall be filed in the circuit court of the county where the arrest occurred. The case shall be decided by the judge sitting without a jury. The presiding judge of the circuit court may assign a [traffic judge, pursuant to section 479.500, RSMo 1994, a] circuit judge or an associate circuit judge to hear such petition.

2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. But upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education shall be issued by the department if the person's driving record shows no prior alcohol related enforcement contact during the immediately preceding five years. Such limited driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the limited driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license."; and

Further amend said bill, Page 74, Section 479.150, Line 13 of said page, by inserting immediately after said line the following:

"479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010, RSMo, which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two

traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. [These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309, 302.311, 302.535 and 302.750, RSMo.]

4. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

5. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

6. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. No term of imprisonment or confinement may be assessed by a traffic judge. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

7. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

8. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.

9. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

10. All costs to establish and operate a county municipal court under section 66.010, RSMo, and this section shall be borne by such county."; and

Further amend the title and enacting clause accordingly.

Representative Clayton raised a point of order that **House Amendment No. 5** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Green, **House Amendment No. 5** was adopted by the following vote:

1626 *Journal of the House*

AYES: 089

Abel	Auer	Backer	Barry 100	Bartelsmeyer
Bartle	Berkowitz	Black	Blunt	Bonner
Boucher 48	Boykins	Campbell	Crump	Curls
Davis 122	Davis 63	Days	Enz	Evans
Farnen	Foley	Ford	Franklin	Froelker
Gaskill	George	Graham 106	Graham 24	Gratz
Green	Gunn	Hagan-Harrell	Hampton	Hanaway
Hartzler 123	Hegeman	Hickey	Hilgemann	Hollingsworth
Hoppe	Kasten	Kelley 47	Kennedy	Kissell
Koller	Kreider	Lawson	Leake	Legan
Levin	Liese	Linton	Long	Loudon
Luetkemeyer	Luetkenhaus	Mays 50	McClelland	McKenna
McLuckie	Merideth	Miller	Murphy	Murray
Myers	Naeger	O'Connor	O'Toole	Overschmidt
Reid	Reinhart	Reynolds	Richardson	Rizzo
Robirds	Scheve	Secrest	Selby	Shields
Skaggs	Thompson	Treadway	Troupe	Tudor
Vogel	Wagner	Wiggins	Wilson 42	

NOES: 062

Akin	Alter	Barnett	Bennett	Berkstresser
Boatright	Britt	Brooks	Chrismer	Cierpiot
Clayton	Crawford	Dolan	Elliott	Fitzwater
Foster	Fraser	Gambara	Gibbons	Griesheimer
Gross	Hartzler 124	Hendrickson	Holand	Hosmer
Howerton	Kelly 27	King	Klindt	Lakin
Lograsso	Marble	May 108	McBride	Nordwald
Ostmann	Parker	Patek	Phillips	Pouche 30
Pryor	Ransdall	Relford	Ridgeway	Riley
Ross	Sallee	Schilling	Scott	Seigfreid
Shelton	Smith	Summers	Surface	Townley
Van Zandt	Ward	Williams 121	Williams 159	Wilson 25
Wright	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 011

Ballard	Bray 84	Burton	Champion	Dougherty
Harlan	Hohulin	Monaco	Purgason	Schwab
Stokan				

VACANCIES: 001

Representative Lograsso offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 44, Section B, Line 3, by adding the following at the end of said line:

“Section 3. If a child is emancipated pursuant to any section of law, the amount of child support paid for such child shall automatically be terminated by the court at the time of emancipation. In determining the amount of child support to be paid for any other children for whom the parent is obligated to pay support, the court may use the most recent form 14 submitted to the court by both parents to recalculate the amount of child support to be paid for any other children. Either parent may file a new form 14 with the court to rebut the presumed child support amount determined by the court in accordance with this subsection.”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Lograsso, **House Amendment No. 6** was adopted.

Representative May (108) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 23, Section 483.310, by deleting all of said section from the bill; and

Further amend said bill, Page 20, Section 476.690, by deleting all of said section from the bill; and

Further amend the title and enacting clause accordingly.

On motion of Representative May (108), **House Amendment No. 7** was adopted.

Representative Schilling offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 37, Section 537.693, Line 43 of said page, by inserting after all of said line the following:

"540.105. [An official reporter of the circuit court, when directed by the judge thereof, shall take down and transcribe for the use of the prosecuting or circuit attorney any or all evidence given before the grand jury.] **1. All witness testimony before a grand jury shall be recorded stenographically or by an electronic recording device. The recording or reporter's notes or any transcript prepared therefrom shall remain in the custody or control of the circuit clerk unless otherwise ordered by the court in a particular case.** Before taking down any [such] evidence, [however, such] **the** reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting [him] in the prosecution of an indictment brought by such grand jury.

2. All testimony recorded or transcribed pursuant to this section is a closed record as provided in chapter 610, RSMo, and shall be accessible to the parties only as provided by supreme court rule.

3. Any party requesting a transcript of such testimony shall be responsible for the costs of such transcript."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Schilling, **House Amendment No. 8** was adopted.

Representative Gibbons offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 26, Section 512.180, Line 1, by deleting the opening bracket on said line; and

Further amend said section, Line 6, by deleting the first closing bracket on said line; and

Further amend said section, Line 13, by deleting the "2" and inserting in lieu thereof "3".

On motion of Representative Gibbons, **House Amendment No. 9** was adopted.

Representative Backer offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 4, Section 67.133, Line 14, by adding after said line the following:

“34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers.

All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

5. The state auditor shall annually audit cost-plus contracts to determine if the state is receiving the best price.

6. The commissioner of administration shall adopt rules to clearly delineate procedures for distributing potential bids to businesses, including publishing and receiving bids by the Internet.

7. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276, RSMo, when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

34.046. The commissioner of administration may contract directly with other governmental entities for the purchase of supplies. The commissioner of administration may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby supplies are procured in accordance with a contract established by another

governmental entity, **including but not limited to the federal governmental services administration**, provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity.

34.070. In making purchases, the commissioner of administration shall give preference to all commodities manufactured, **assembled**, mined, produced or grown within the state of Missouri [and] **by awarding bids** to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. **If more than one bid is deemed of equal quality and price, there shall be a lottery conducted by the division of purchasing to determine the successful bidder.**

34.076. 1. To the extent permitted by federal laws and regulations, whenever the state of Missouri, or any department, agency or institution thereof or any political subdivision shall let for bid any contract to a contractor for any public works or product, the contractor or bidder domiciled outside the boundaries of the state of Missouri shall be required, in order to be successful, to submit a bid the same percent less than the lowest bid submitted by a responsible contractor or bidder domiciled in Missouri as would be required for such a Missouri domiciled contractor or bidder to succeed over the bidding contractor or bidder domiciled outside Missouri on a like contract or bid being let in the person's domiciliary state and, further, the contractor or bidder domiciled outside the boundaries of Missouri shall be required to submit an audited financial statement **and comply with any other requirements** as would be required of a Missouri domiciled contractor or bidder on a like contract or bid being let in the domiciliary state of that contractor or bidder.

2. Subsection 1 of this section shall not apply to any contractor who is qualified for bidding purposes with the department of transportation and submits a successful bid wherein part of or all funds are furnished by the United States.

3. Subsection 1 of this section shall not apply to any public works or product transportation where the bid is less than five thousand dollars.

[34.165. 1. In making purchases for this state, its governmental agencies or political subdivisions, the commissioner of administration shall give a bidding preference consisting of a five-point bonus on bids for products and services manufactured, produced or assembled in qualified nonprofit organizations for the blind established pursuant to the provisions of 41 U.S.C. sections 46 to 48c, as amended and in sheltered workshops holding a certificate of approval from the department of elementary and secondary education pursuant to section 178.920, RSMo.

2. The commissioner of administration shall make such rules and regulations regarding specifications, quality standards, time of delivery, performance and other relevant matters as shall be necessary to carry out the purpose of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. At the request of the commissioner of administration, the state auditor may examine all records, books and data of any qualified nonprofit organization for the blind to determine the costs of manufacturing products or rendering services and the manner and efficiency of production and administration of such nonprofit organization with relation to any product or services purchased by this state, its governmental agencies or political subdivisions and to furnish the results of such examination to the commissioner for appropriate action.]

37.020. 1. As used in this section, the following words and phrases mean:

(1) "Certification", the determination, through whatever procedure is used by the office of administration, that a legal entity is a socially and economically disadvantaged small business concern for purposes of this section;

(2) "Department", the office of administration and any public institution of higher learning in the state of Missouri;

(3) "Minority business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a minority;

(b) A partnership or joint venture owned and controlled by minorities in which at least fifty-one percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least fifty-one percent owned by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned by one or more minorities;

(4) "Socially and economically disadvantaged individuals", individuals, regardless of gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area. In determining the degree of diminished credit and capital opportunities the office of administration shall consider, but not be limited to, the assets

and net worth of such individual;

- (5) "Socially and economically disadvantaged small business concern", any small business concern:
 - (a) Which is at least fifty-one percentum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least fifty-one percentum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
 - (b) Whose management and daily business operations are controlled by one or more of such individuals;
- (6) "Women's business enterprise", a business that is:
 - (a) A sole proprietorship owned and controlled by a woman;
 - (b) A partnership or joint venture owned and controlled by women in which at least fifty-one percent of the ownership interest is held by women and the management and daily business operations of which are controlled by one or more of the women who own it; or
 - (c) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least fifty-one percent owned by women, or if stock is issued, at least fifty-one percent of the stock is owned by one or more women.

2. The office of administration, in consultation with each department, shall establish and implement a plan to increase and maintain the **meaningful** participation of certified socially and economically disadvantaged small business concerns or minority business enterprises, directly or indirectly, in contracts for supplies, services, and construction contracts[, consistent with goals determined after an appropriate study conducted to determine the availability of socially and economically disadvantaged small business concerns and minority business enterprises in the marketplace. Such study shall be completed by December 31, 1991. The commissioner of administration shall appoint an oversight review committee to oversee and review the results of such study. The committee shall be composed of nine members, four of whom shall be members of business, three of whom shall be from staff of selected departments, one of whom shall be a member of the house of representatives, and one of whom shall be a member of the senate].

3. The goals to be pursued by each department under the provisions of this section shall be construed to overlap with those imposed by federal law or regulation, if any, shall run concurrently therewith and shall be in addition to the amount required by federal law only to the extent the percentage set by this section exceeds those required by federal law or regulations.

4. The office of administration shall regularly, and at least annually, audit minority business enterprise participation reports.

5. The office of administration shall conduct at least annually a public conference to discuss the state minority business enterprise program to include the latest rules, participation reports, and MBE/WBE procedures. The date and proposed agenda are to be put out on the state web site ninety days prior for public comment.

34.041. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for any department or agency of the state pursuant to section 8.310 or section 227.100, the department or agency shall be authorized to utilize and shall comply with, procedures established pursuant to section 144.062."

Representative Hanaway raised a point of order that **House Amendment No. 10** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Loudon offered **House Amendment No. 1 to House Amendment No. 10.**

*House Amendment No. 1
to
House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 12, Section 37.020, Line 3, by adding after the word "**minority**" the words "**or disadvantaged**"; and

Further amend said section, Line 10, by adding after the “**reports**” the following:

“**including but not limited to all state government entities, the Missouri Department of Transportation and the Bi-State Development Agency**”; and

Further amend said subsection by adding after said line the following:

“**Such reports shall include:**

- a) the percentage of minority or disadvantaged business enterprise participation by project**
- b) the dollar amount paid to minority or disadvantaged business enterprises by project**
- c) the number of minority and female workers by project**”; and

Further amend said section, Line 6, by adding after the word “**minority**” the words “**disadvantaged**”.

Speaker Pro Tem Kreider assumed the Chair.

Representative Loudon moved that **House Amendment No. 1 to House Amendment No. 10** be adopted.

Which motion was defeated.

On motion of Representative Backer, **House Amendment No. 10** was adopted.

Representative May (108) offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Pages 39-40, Section 565.030, Lines 55-60, by striking all of said lines and inserting in lieu thereof the following:

“**6. As used in this section, the term “mental retardation” or “mentally retarded” refers to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with extensive or pervasive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which condition is manifested and documented before eighteen years of age.**”.

Representative Akin raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative McClelland offered **House Amendment No. 1 to House Amendment No. 11**.

House Amendment No. 1 to House Amendment No. 11 was withdrawn.

On motion of Representative May (108), **House Amendment No. 11** was adopted.

Representative Hoppe offered **House Amendment No. 12.**

Representative Monaco raised a point of order that **House Amendment No. 12** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative O'Connor offered **House Amendment No. 12.**

House Amendment No. 12

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 13, Section 375.1220, Line 31 of said page, by inserting after all of said line the following:

"407.820. Any person who is engaged or engages directly or indirectly in purposeful contacts within the state of Missouri in connection with the offering, advertising, purchasing, selling, or contracting to purchase or to sell new motor vehicles, or who, being a motor vehicle franchisor, is transacting or transacts any business with a motor vehicle franchisee who maintains a place of business within the state and with whom he has a franchise, shall be subject to the jurisdiction of the courts **and administrative agencies** of the state of Missouri, upon service of process in accordance with the provisions of section 506.510, RSMo, irrespective of whether such person is a manufacturer, importer, distributor or dealer in new motor vehicles.

407.822. 1. Any party seeking relief pursuant to the provisions of sections 407.810 to 407.835 may file an application for a hearing with the administrative hearing commission within the time periods specified in this section. The application for a hearing shall comply with the requirements for a request for agency action set forth in chapter 536, RSMo. Simultaneously, with the filing of the application for a hearing with the administrative hearing commission, the applicant shall send by certified mail, return receipt requested, a copy of the application to the party or parties against whom relief is sought. [Within ten days of] **Upon** receiving a timely application for a hearing, the administrative hearing commission shall enter an order fixing a date, time and place for a hearing on the record. [Such hearing shall be within forty-five days of the date of the order but the administrative hearing commission may continue the hearing date up to forty-five additional days by agreement of the parties or upon a finding of good cause.] The administrative hearing commission shall send by certified mail, return receipt requested, a copy of the order to the party seeking relief and to the party or parties against whom relief is sought. The order shall also state that the party against whom relief is sought shall not proceed with the initiation of its activity or activities until the administrative hearing commission issues its final decision or order, **and the party against whom relief is sought shall, within thirty days of such order, file its answer or other responsive pleading directed to each claim for relief set forth in the application for hearing. Failure to answer or otherwise respond within such time frame may be deemed by the administrative hearing commission as an admission of the grounds for relief as set forth in the application for hearing.**

2. Unless otherwise expressly provided in sections 407.810 to 407.835, the provisions of chapter 536, RSMo, shall govern hearings and prehearing procedures conducted pursuant to the authority of this section. **Any party may obtain discovery in the same manner, and under the same conditions and requirements, as is or may hereafter be provided for with respect to discovery in civil actions by rule of the supreme court of Missouri for use in the circuit courts, and the administrative hearing commission may enforce discovery by the same methods as provided by supreme court rule for use in civil cases.** The administrative hearing commission shall issue a final decision or order, in proceedings arising pursuant to the provisions of sections 407.810 to 407.835[, within sixty days from the conclusion of the hearing]. **In any proceeding initiated pursuant to sections 407.810 to 407.835 involving a matter requiring a franchisor to show good cause for any intended action being protested by a franchisee, the franchisor shall refrain from taking the protested action if, after a hearing on the matter before the administrative hearing commission, the administrative hearing commission determines that good cause does not exist for the franchisor to take such action. The franchisee may, if necessary, seek enforcement of the decision of the administrative hearing commission pursuant to the provisions of section 407.835. Venue for such proceedings shall be in the circuit court of Cole County, Missouri. In determining any relief necessary for enforcement of the decision of the administrative hearing commission, the court shall defer to the commission's**

factual findings, and review shall be limited to a determination of whether the commission's decision was authorized by law and whether the commission abused its discretion. Any final decisions of the administrative hearing commission shall be subject to review pursuant to a petition for review to be filed in the court of appeals in the district in which the hearing, or any part of the hearing, is held and by delivery of copies of the petition to each party of record, within thirty days after the mailing or delivery of the final decision and notice of the final decision in such a case. **Appeal of the administrative hearing commission's decision pursuant to this section shall not preclude any action authorized by section 407.835, brought in a court of competent jurisdiction, requesting an award of legal or equitable relief, provided that if such an action is brought solely for the purpose of enforcing a decision of the administrative hearing commission which is on appeal pursuant to this section, the court in which such action is pending may hold in abeyance its judgment pending issuance of a decision by the court of appeals.** Review pursuant to this section shall be exclusive and decisions of the administrative hearing commission reviewable pursuant to this section shall not be reviewable in any other proceeding, and no other official or court shall have power to review any such decision by an action in the nature of mandamus or otherwise, except pursuant to the provisions of this section. The party seeking review shall be responsible for the filing of the transcript and record of all proceedings before the administrative hearing commission with the appropriate court of appeals.

3. Any franchisee receiving a notice from a franchisor pursuant to the provisions of sections 407.810 to 407.835, or any franchisee adversely affected by a franchisor's acts or proposed acts described in the provisions of sections 407.810 to 407.835, shall be entitled to file an application for a hearing before the administrative hearing commission for a determination as to whether the franchisor has good cause for its acts or proposed acts.

4. Not less than sixty days before the effective date of the initiation of any enumerated act pursuant to subdivisions (5), (6), (7) and (14) of subsection 1 of section 407.825, a franchisor shall give written notice to the affected franchisee or franchisees, by certified mail, return receipt requested, except as follows:

(1) Upon the initiation of an act pursuant to subdivision (5) of subsection 1 of section 407.825, such notice shall be given not less than fifteen days before the effective date of such act only if the grounds for the notice include the following:

- (a) Transfer of any ownership or interest in the franchised dealership without the consent of the motor vehicle franchisor;
- (b) Material misrepresentation by the motor vehicle franchisee in applying for the franchise;
- (c) Insolvency of the motor vehicle franchisee or the filing of any petition by or against the motor vehicle franchisee under any bankruptcy or receivership law;
- (d) Any unfair business practice by the motor vehicle franchisee after the motor vehicle franchisor has issued a written warning to the motor vehicle franchisee to desist from such practice;
- (e) Conviction of the motor vehicle franchisee of a crime which is a felony;
- (f) Failure of the motor vehicle franchisee to conduct customary sales and service operations during customary business hours for at least seven consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the motor vehicle franchisee has no control; or
- (g) Revocation of the motor vehicle franchisee's license;

(2) Upon initiation of an act pursuant to subdivision (7) of subsection 1 of section 407.825, such notice shall be given within sixty days of the franchisor's receipt of a written proposal to consummate such sale or transfer and the receipt of all necessary information and documents generally used by the franchisor to conduct its review. **The franchisor shall acknowledge in writing to the applicant the receipt of the information and documents and if the franchisor requires additional information or documents to complete its review, the franchisor shall notify the applicant within fifteen days of the receipt of the information and documents. If the franchisor fails to request additional information and documents from the applicant within fifteen days after receipt of the initial forms, the sixty-day time period for approval shall be deemed to run from the initial receipt date. Otherwise, the sixty-day time period for approval shall run from receipt of the supplemental requested information. In no event shall the total time period for approval exceed seventy-five days from the date of the receipt of the initial information and documents.** The franchisor's notice of disapproval shall also specify the reasonable standard which the franchisor contends is not satisfied and the reason the franchisor contends such standard is not satisfied. Failure on the part of the franchisor to provide such notice shall be conclusively deemed an approval by the franchisor of the proposed sale or transfer to the proposed transferee. A franchisee's application for a hearing shall be filed with the administrative hearing commission within twenty days from receipt of such franchisor's notice;

(3) Pursuant to paragraphs (a) and (b) of subdivision (14) of subsection 1 of section 407.825, such notice shall be given within sixty days of the franchisor's receipt of a deceased or incapacitated franchisee's designated family

member's intention to succeed to the franchise or franchises or of the franchisor's receipt of the personal and financial data of the designated family member, whichever is later.

5. A franchisor's notice to a franchisee or franchisees pursuant to subdivisions (5), (6), (7) and (14) of subsection 1 of section 407.825 shall contain a statement of the particular grounds supporting the intended action or activity which shall include any reasonable standards which were not satisfied. The notice shall also contain at a minimum, on the first page thereof, a conspicuous statement which reads as follows: "NOTICE TO FRANCHISEE: YOU MAY BE ENTITLED TO FILE A PROTEST WITH THE MISSOURI ADMINISTRATIVE HEARING COMMISSION IN JEFFERSON CITY, MISSOURI, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE CONTENTS OF THIS NOTICE. ANY ACTION MUST BE FILED WITHIN TWENTY DAYS FROM RECEIPT OF THIS NOTICE."

6. When more than one application for a hearing is filed with the administrative hearing commission, the administrative hearing commission may consolidate the applications into one proceeding to expedite the disposition of all relevant issues.

7. In all proceedings before the administrative hearing commission pursuant to this section, section 407.825 and section 621.053, RSMo, where the franchisor is required to give notice pursuant to subsection 4 of this section, the franchisor shall have the burden of proving by a preponderance of the evidence that good cause exists for its actions. In all other actions, the franchisee shall have the burden of proof."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative O'Connor, **House Amendment No. 12** was adopted.

Representative Kelly (27) offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 40, Section 565.030, Line 62 of said page, by inserting after all of said line the following:

"595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars. [Fifty dollars shall be deducted from any award granted under sections 595.010 to 595.075, except that an award to a person sixty-five years of age or older is not subject to any deduction.]

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

- (3) Clinical social worker licensed pursuant to chapter 337, RSMo; or
- (4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid [under] **pursuant to** sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award [under] **pursuant to** sections 595.010 to 595.075 shall exceed [fifteen] **twenty-five** thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation [under] **pursuant to** sections 595.010 to 595.075 shall be determined by the division.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the division of workers' compensation shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death [under] **pursuant to** other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the division of workers' compensation on claims heard [under] **pursuant to** sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The division of workers' compensation shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the division.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

- (1) From or on behalf of the offender;
- (2) Under private or public insurance programs, including champus, medicare, medicaid and other state or federal programs, **but not including any life insurance proceeds**; or
- (3) From any other public or private funds, including an award payable [under] **pursuant to** the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the division of workers' compensation shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the division of workers' compensation may disregard the responsibility of the victim for his **or her** own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his **or her** presence, or to apprehend a person who had committed a crime in his **or her** presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.070, monthly social security disability or retirement benefits received by the victim shall not be considered by the division as a factor for reduction of benefits.

5. The division shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kelly (27), **House Amendment No. 13** was adopted.

Representative Holand offered **House Amendment No. 14.**

House Amendment No. 14

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 35, Section 537.687, Lines 1-9, by deleting all of said lines and inserting in lieu thereof the following:

“537.687. Upon request by the division for verification of injuries of victims, the claimant shall submit the information requested by the division and any costs to the claimant for providing such information may be submitted as part of the claim.”.

On motion of Representative Holand, **House Amendment No. 14** was adopted.

Representative Luetkenhaus offered **House Amendment No. 15.**

House Amendment No. 15

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 9, Section 286.010, Lines 1-24, by deleting all of said lines; and

Further amend the title and enacting clause accordingly.

On motion of Representative Luetkenhaus, **House Amendment No. 15** was adopted by the following vote:

AYES: 089

Abel	Akin	Alter	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Campbell	Champion	Chrismer	Cierpiot
Crawford	Dolan	Elliott	Enz	Evans
Foster	Froelker	Gibbons	Graham 106	Gratz
Griesheimer	Gross	Hagan-Harrell	Hampton	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Holand	Howerton	Kasten	Kelley 47	Kennedy
King	Kissell	Klindt	Koller	Kreider
Legan	Levin	Liese	Linton	Lograsso
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
McBride	McClelland	Merideth	Miller	Murphy
Myers	Naeger	Nordwald	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Richardson
Ridgeway	Robirds	Ross	Schwab	Scott
Secrest	Shields	Summers	Surface	Tudor
Vogel	Wagner	Wilson 25	Wright	

NOES: 064

Auer	Backer	Barry 100	Berkowitz	Bonner
Boucher 48	Boykins	Britt	Brooks	Clayton
Crump	Curls	Davis 122	Davis 63	Days
Dougherty	Farnen	Fitzwater	Foley	Ford
Franklin	Fraser	Gambaro	George	Graham 24
Green	Gunn	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Lakin
Leake	May 108	Mays 50	McKenna	McLuckie
Monaco	Murray	O'Connor	O'Toole	Relford
Reynolds	Riley	Rizzo	Scheve	Schilling
Seigfreid	Selby	Shelton	Skaggs	Smith

Thompson	Treadway	Van Zandt	Ward	Wiggins
Williams 121	Williams 159	Wilson 42	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 009

Ballard	Bray 84	Burton	Gaskill	Lawson
Sallee	Stokan	Townley	Troupe	

VACANCIES: 001

Representative Bonner offered **House Amendment No. 16.**

House Amendment No. 16

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 44, by inserting after all of said line the following:

"221.510. 1. This section hereafter shall be known as "Jake's Law" in honor of Jake Robel.

2. Every chief law enforcement official, sheriff, public jailer, private jailer, department of corrections officials and all regional jail district officials shall conduct an inquiry of pending outstanding warrants on all prisoners about to be released, whether convicted or being held on suspicion of charges.

3. No prisoner, whether convicted or being held on suspicion of charges, shall be released from one correctional facility to another prior to having a warrant check conducted by an authorized member of the correctional facility.

4. If any prisoner's warrant check indicates outstanding charges or outstanding warrants from another jurisdiction, it shall be the duty of the official requesting the warrant check to inform the agency that issued the warrant that the correctional facility has such person in custody and that prisoner shall not be released unless to the custody of the jurisdictional authority that had issued the warrant, unless the warrant has been satisfied or dismissed, or unless the warrant issuing agency has notified the correctional facility holding the prisoner that they do not wish the prisoner be transferred or the warrant to be pursued.

5. Any person may make a report to the Missouri highway patrol for violations of this section, which shall conduct an investigation. If, in the opinion of the superintendent of the highway patrol, the investigation yields reasonable grounds to believe that a violation of this section is occurring or has occurred, he or she shall refer such information to either the attorney general or the county prosecutor of the county where the violations are alleged to have occurred.

6. If an authorized member of the correctional facility fails to perform a warrant check which results in the release of a prisoner with outstanding warrants, that individual shall be guilty of a class A misdemeanor.";
and

Further amend the title and enacting clause accordingly.

On motion of Representative Bonner, **House Amendment No. 16** was adopted by the following vote:

AYES: 148

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bennett	Berkowitz	Berkstresser
Black	Blunt	Boatright	Bonner	Boucher 48
Boykins	Britt	Brooks	Campbell	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	George	Gibbons

1638 *Journal of the House*

Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Scheve	Schilling	Schwab
Scott	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Treadway	Troupe	Tudor	Van Zandt	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer	Ballard	Bartle	Bray 84	Burton
Gaskill	Harlan	Hollingsworth	Leake	Sallee
Secrest	Stokan	Townley	Vogel	

VACANCIES: 001

Representative Summers offered **House Amendment No. 17.**

House Amendment No. 17

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 37, Section 541.020, Line 5, by inserting immediately after said line the following:

“548.131. **1.** Whenever any person within this state shall be charged on the oath of any credible person before any judge or associate circuit judge of this state with the commission of any crime in any other state and, except in cases arising [under] **pursuant to** section 548.061, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of [his] **such person’s** bail, probation or parole, or whenever complaint shall have been made before any judge or associate circuit judge in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising [under] **pursuant to** section 548.061, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of [his] **such person’s** bail, probation or parole, and is believed to be in this state, the judge or associate circuit judge shall issue a warrant directed to any peace officer commanding [him] **such officer** to apprehend the person named [therein] **in such warrant**, wherever [he] **such person** may be found in this state, and to bring [him] **such person** before the same or any other judge, associate circuit judge or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant, provided that when a complaint shall be made against any person [under] **pursuant to** the terms of this chapter, the judge or associate circuit judge [shall] **may** take from the prosecutor a bond, to the clerk of the court, with sufficient security, to secure the payment of the costs and expenses which may accrue by

occasion of the arrest and detention of the party charged, which bond shall be certified and returned, with the examination, to the office of the circuit clerk and when any such recognizance shall be forfeited, it shall inure to the benefit of the state.

2. In lieu of a bond pursuant to subsection 1 of this section, the court may order the prosecutor to place sufficient funds on deposit with the court treasury to secure the payment of costs and expenses of the accused.”; and

Further amend the title and enacting clause of said bill accordingly.

On motion of Representative Summers, **House Amendment No. 17** was adopted.

Representative Overschmidt offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 2, Section A, Line 13, by inserting the following after said line:

“34.055. 1. Except as otherwise provided in section 34.057, all invoices for supplies and services purchased by the state, duly approved and processed, shall be subject to interest charges or late payment charges as provided in this section.

2. After the forty-fifth day following the later of the date of delivery of the supplies and services or the date upon which the invoice is duly approved and processed, interest retroactive to the thirtieth day shall be paid on any unpaid balance[, except balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills,] upon application of the vendor thereof. The rate of such interest shall be three percentage points above the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System. **After the thirtieth day following the later of the date of delivery of the supplies and services or the date upon which the invoice is duly approved and processed, a penalty of two percent of the amount due the vendor shall be paid to the vendor. The penalty shall increase by two percent for every thirty-day period thereafter in which the vendor is not paid, except that no such penalty shall exceed eighteen percent in one year.**

3. **The interest and penalties authorized in subsection 2 of this section shall not apply to balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. Balances for such services shall be subject to the interest and penalties authorized pursuant to this subsection.** The state shall be liable for late payment charges on any delinquent bill for services purchased by the state from a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. The rate of such late payment charges shall be as established for each such corporation by order of the public service commission, but bills rendered to the state shall not be considered delinquent until thirty days after rendition of the bill by the corporation.

4. Any [such] interest charges or late payment charges shall be paid from appropriations which were made for the fiscal year in which the supplies or services were delivered to the respective departments purchasing such supplies or services. The commissioner of administration shall be responsible for the timely implementation of this section and all officers, departments, institutions and agencies of state government shall fully cooperate with the commissioner of administration in the implementation of this section. No late payment penalty shall be assessed against, nor payable by, the state unless pursuant to the provisions of this section.

5. Notwithstanding any other provision of this section, recipients of funds from the low-income energy assistance program shall be exempt from interest charges imposed by such section for the duration of the recipient's participation in the program.”; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative May (108) raised a point of order that **House Amendment No. 18** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Overschmidt, **House Amendment No. 18** was adopted.

Representative Ward offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 4, Section 43.503, Line 78, by inserting immediately after said line the following:

“56.066. **1.** In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of seven hundred and fifty persons but less than one thousand five hundred persons, the prosecuting attorney shall receive ten thousand dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of one thousand five hundred persons but less than three thousand persons, the prosecuting attorney shall receive twelve thousand five hundred dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of three thousand persons but less than four thousand persons, the prosecuting attorney shall receive fifteen thousand dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average inmate population in excess of four thousand persons, the prosecuting attorney shall receive twenty thousand dollars per annum in addition to all other compensation provided by law. The compensation provided in connection with the average inmate population shall not be considered for purposes of determining any increase in compensation from January 1, 1988. The amounts provided in this subsection shall be included in the computation of the maximum allowable compensation as that term is used in section 50.333, RSMo.

2. Notwithstanding the provisions of section 56.360, the prosecuting attorney of any county of the fourth classification with a population of at least forty-eight thousand and not more than fifty thousand inhabitants shall devote full time to the prosecutor’s office, and, except for the performance of official duties, shall not engage in the practice of law.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Patek offered **House Amendment No. 1 to House Amendment No. 19**.

*House Amendment No. 1
to
House Amendment No. 19*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 1, Section 56.066, Line 3, by deleting the word “seven” and inserting in lieu thereof the word “four”.

On motion of Representative Patek, **House Amendment No. 1 to House Amendment No. 19** was adopted.

On motion of Representative Ward, **House Amendment No. 19, as amended**, was adopted.

Representative Ostmann offered **House Amendment No. 20.**

House Amendment No. 20

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 8, Section 211.029, Line 14, by inserting after all of said line the following:

"211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, RSMo, second degree murder under section 565.021, RSMo, first degree assault under section 565.050, RSMo, forcible rape under section 566.030, RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery under section 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;
 (8) The program and facilities available to the juvenile court in considering disposition;
 (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. [When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11.] If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.073. 1. The court may, in a case when the offender is [under] **less than** seventeen years of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition [under] **pursuant to** this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. **The court may suspend imposition of an adult criminal sentence in addition to such juvenile disposition.** Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section if:

(1) A facility is designed and built by the division of youth services specifically for offenders sentenced pursuant to this section and if the division determines that there is space available, based on design capacity, in the facility; and

(2) Upon agreement of the division.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of seventeen, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender [under] **pursuant to** the juvenile disposition shall be credited toward the adult criminal sentence imposed.

7. A child certified as an adult pursuant to section 211.071 shall not be considered certified as an adult for any other purposes without a separate recertification hearing.

211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and [make] **upon making** a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, [and] the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his **or her** own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home; **or**

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his **or her** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if [he] **the child** is presently under the court's supervision after an adjudication [under] **pursuant to** the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may

be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and [make] **upon making** a finding of fact upon which [it] **the court** exercises its jurisdiction over the child, [and] the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his **or her** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive [it] **the child** in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by [his] **the child's** offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and [his] **the child's** attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child [under] **pursuant to** this subdivision, or who benefits from any services performed as a result of an order issued [under] **pursuant to** this subdivision, shall be immune from any suit by the child ordered to perform services [under] **pursuant to** this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services [under] **pursuant to** this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services [under] **pursuant to** this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court;

(10) The imposition of any disposition pursuant to subdivision (3) of subsection 3 of this section may, in the court's discretion, be suspended upon such terms and conditions as the court deems just and proper. The records of any disposition, the imposition of which has been suspended, shall be closed records to the same extent as provided pursuant to section 610.105, RSMo, for a suspended imposition of sentence in a court of general jurisdiction.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except

upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed [under] **pursuant to** the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Ostmann, **House Amendment No. 20** was adopted.

Representative May (108) offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Pages 20 to 21, Section 478.009, by deleting all of said section and inserting in lieu thereof the following:

"478.001. **1. Drug and alcohol abuse** courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug **and alcohol** use. A drug **and alcohol abuse** court shall combine judicial supervision, drug **and alcohol** testing and treatment of drug **and alcohol abuse** court participants. Except for good cause found by the court, a drug **and alcohol abuse** court making a referral for substance abuse treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the drug **and alcohol abuse** court. Upon successful completion of the treatment program, the charges, petition or penalty against a drug **and alcohol abuse** court participant may be dismissed, reduced or modified. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

2. A court shall determine if an assessment for drug or alcohol abuse is appropriate for a defendant in any drug or alcohol-related prosecution. Such assessment shall be made before sentencing.

478.003. In any judicial circuit of this state, a majority of the judges of the circuit court may designate a judge to hear cases arising in the circuit subject to the provisions of sections 478.001 to 478.006. In lieu thereof and subject to appropriations or other funds available for such purpose, a majority of the judges of the circuit court may appoint a person or persons to act as drug **and alcohol abuse** court commissioners. Each commissioner shall be appointed for a term of four years, but may be removed at any time by a majority of the judges of the circuit court. The qualifications and compensation of the commissioner shall be the same as that of an associate circuit judge. If the compensation of a commissioner appointed pursuant to this section is provided from other than state funds, the source of such fund shall pay to and reimburse the state for the actual costs of the salary and benefits of the commissioner. The commissioner shall have all the powers and duties of a circuit judge, except that any order, judgment or decree of the commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of record entered within the time the judge could set aside such order, judgment or decree had the same been made by the judge. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

478.005. **1. Each circuit court shall establish conditions for referral of proceedings to the drug and alcohol abuse court. The defendant in any criminal proceeding accepted by a drug and alcohol abuse court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the drug and alcohol**

abuse court program for disposition shall be upon agreement of the parties.

2. Any statement made by a participant as part of participation in the drug **and alcohol abuse** court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile or civil proceeding. Notwithstanding the foregoing, termination from the drug **and alcohol abuse** court program and the reasons for termination may be considered in sentencing or disposition.

3. Notwithstanding any other provision of law to the contrary, drug **and alcohol abuse** court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant. Upon general request, employees of all such agencies shall fully inform a drug **and alcohol abuse** court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall be treated as closed records and shall not be disclosed to any person outside of the drug **and alcohol abuse** court, and shall be maintained by the court in a confidential file not available to the public.

478.009. 1. In order to coordinate the allocation of resources available to drug and alcohol abuse courts throughout the state, there is hereby established a "Drug and Alcohol Abuse Courts Coordinating Commission" in the judicial department. The drug and alcohol abuse courts coordinating commission shall consist of one member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and three members selected by the supreme court. The supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to drug and alcohol abuse courts or for operation of drug and alcohol abuse courts; secure grants, funds and other property and services necessary or desirable to facilitate drug and alcohol abuse court operation; and allocate such resources among the various drug and alcohol abuse courts within the state.

2. There is hereby established in the state treasury a "Drug and Alcohol Abuse Court Resources Fund", which shall be administered by the drug and alcohol abuse courts coordinating commission. Funds available for allocation or distribution by the drug and alcohol abuse courts coordinating commission may be deposited into the drug and alcohol abuse court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the drug and alcohol abuse court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the drug and alcohol abuse court resources fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative May (108), **House Amendment No. 21** was adopted.

Representative O'Toole offered **House Amendment No. 22**.

House Amendment No. 22

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 71, Section 478.037, Line 9, by inserting after said section the following:

“[478.401.] **488.447.** 1. The circuit and associate circuit judges of the circuit court in any city not within a county shall require any party filing a civil case in the circuit court, at the time of filing suit, to deposit with the circuit clerk a surcharge in the amount of [thirty-five] **seventy** dollars, in addition to all other court costs now or hereafter required by law or court rule, and no summons shall be issued until such surcharge has been paid. This section shall not apply to proceedings when costs are waived or paid by the state, county or municipality.

2. Such funds shall be payable to the treasury of any city not within a county to be credited to a courthouse restoration fund, which shall bear interest, to be used by any city not within a county only for the restoration, maintenance, and upkeep of the courthouses; provided, that the courthouse restoration fund may be pledged to directly or indirectly secure bonds to fund such costs. All funds collected pursuant to this section before August 28, 1995, shall be credited to the courthouse restoration fund provided for in this section, to be used pursuant to the provisions of this section.

3. This section shall expire on August 28, 2033.”; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative O'Toole moved that **House Amendment No. 22** be adopted.

Which motion was defeated.

Representative Riback Wilson (25) offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 25, Line 21, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity."; and

Further amend said title, enacting clause and intersectional references accordingly.

Speaker Gaw resumed the Chair.

On motion of Representative Riback Wilson (25), **House Amendment No. 23** was adopted by the following vote:

AYES: 081

Abel	Auer	Barry 100	Berkowitz	Blunt
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Curls	Davis 122	Davis 63	Days
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Gambaro	George	Graham 24
Green	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 124	Hendrickson	Hilgemann	Hollingsworth
Hoppe	Hosmer	Kelley 47	Kelly 27	Kissell
Klindt	Koller	Kreider	Lakin	Liese
May 108	McBride	McKenna	McLuckie	Monaco
Murray	O'Connor	O'Toole	Parker	Patek
Ransdall	Relford	Reynolds	Richardson	Riley
Rizzo	Sallee	Scheve	Schilling	Seigfreid
Selby	Shelton	Skaggs	Smith	Summers
Thompson	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 068

Akin	Alter	Backer	Barnett	Bartelsmeyer
Bartle	Bennett	Black	Boatright	Bonner
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Dolan	Elliott	Enz	Evans
Froelker	Gaskill	Gibbons	Graham 106	Gratz
Griesheimer	Gross	Hartzler 123	Hegeman	Holand
Howerton	Kasten	Kennedy	Lawson	Leake
Legan	Levin	Linton	Lograsso	Loudon
Luetkemeyer	Luetkenhaus	Marble	Mays 50	McClelland
Merideth	Miller	Myers	Naeger	Nordwald
Ostmann	Phillips	Pouche 30	Purgason	Reid
Reinhart	Ridgeway	Robirds	Ross	Schwab
Scott	Secrest	Shields	Surface	Treadway
Troupe	Tudor	Vogel		

PRESENT: 000

ABSENT WITH LEAVE: 013

Ballard	Berkstresser	Burton	Dougherty	Hickey
Hohulin	King	Long	Murphy	Overschmidt
Pryor	Stokan	Townley		

VACANCIES: 001

Representative Clayton offered **House Amendment No. 24**.

House Amendment No 24

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 20, Section 476.690, Line 29, by adding immediately after said line the following:

“476.777. 1. There is hereby established in the state treasury a special fund, to be known as the “Missouri CASA Fund”. The state treasurer shall credit to and deposit in the Missouri CASA fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. The general assembly may appropriate moneys into the fund to support the court-appointed special advocate (CASA) program throughout the state.

2. The state treasurer shall invest moneys in the Missouri CASA fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the fund shall be credited to the Missouri CASA fund.

3. The state courts administrator shall administer and disburse moneys in the Missouri CASA fund based on the following requirements:

(1) The office of state courts administrator shall set aside funding for new start-up CASA programs throughout the state;

(2) Every recognized CASA program shall receive a base rate allocation, with availability of additional funding based on the number of children with abuse or neglect cases under the jurisdiction of the court; and

(3) All CASA programs being considered for funding shall be recognized by and affiliated with the state and national CASA associations.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri CASA fund shall not revert to the credit of the general revenue fund at the end of the biennium.”; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Hanaway raised a point of order that **House Amendment No. 24** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Clayton, **House Amendment No. 24** was adopted.

Representative Backer offered **House Amendment No. 25**.

House Amendment No. 25

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 43, Section 2, Line 5, by inserting after said line the following:

“105.1225. 1. The office of administration and the departments of agriculture, conservation, economic development, elementary and secondary education, health, higher education, insurance, labor and industrial relations, mental health, natural resources, public safety, revenue, social services, and transportation shall each develop a technology master plan to study methods of improving the delivery and efficiency of services to members of the public. Each technology master plan shall include the description of at least one pilot project which will allow easier access and availability of agency services through Internet web site connections and other technologies. The office of administration may contract for information technology consulting services and other services deemed necessary to conduct the study. Each agency shall submit a copy of its technology master plan to the commissioner of the office of administration no later than December 31, 2000. The commissioner shall compile the master plans and submit a unified report to the speaker of the house of representatives and the president pro tempore of the senate no later than March 1, 2001.

2. The office of administration, as one of the pilot projects required pursuant to subsection 1 of this section, shall design and implement a purchasing system for supplies, as defined in section 34.010, RSMo, which may be used through the office of administration's Internet web site connection. The online purchasing system shall be available no later than January 1, 2002.

3. Each state agency shall make all of its forms available to the public via the Internet and each agency shall accept completed forms from the public via the Internet and by e-mail. Each state agency shall also develop an Internet-based flowchart detailing the process of how its services are accessible to Missouri citizens.

161.640. The department of elementary and secondary education shall establish, as one of the pilot projects in the technology master plan required pursuant to section 105.1225, RSMo, a grant program to provide funds, as appropriated by law, for any county of the fourth classification with a population of at least twenty thousand and not more than twenty-five thousand inhabitants containing a habilitation facility of the Missouri department of mental health to purchase computer software designed for the reactive acquisition of vocabulary elements.

575.060. 1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of [his] **such public servant's duty, [he] **the person**:**

- (1) Submits any written false statement, which [he] **the person** does not believe to be true**
 - (a) In an application for any pecuniary benefit or other consideration; or**
 - (b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or**
- (2) Submits or invites reliance on**
 - (a) Any writing which [he] **the person** knows to be forged, altered or otherwise lacking in authenticity; or**
 - (b) Any sample, specimen, map, boundary mark, or other object which [he] **the person** knows to be false[.];**

or

(3) Knowingly submits a false report to the state.

2. The falsity of the statement or the item [under] **pursuant to subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions [under] **pursuant to** subsection 1 of this section.**

3. It is a defense to a prosecution [under] **pursuant to subsection 1 of this section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:**

- (1) The falsity of the statement or item was exposed; or**
- (2) The public servant took substantial action in reliance on the statement or item.**

4. The defendant shall have the burden of injecting the issue of retraction [under] **pursuant to** subsection 3 of this section.

5. Making a false declaration is a class [B] **A** misdemeanor.”.

Representative Hanaway raised a point of order that **House Amendment No. 25** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Backer, **House Amendment No. 25** was adopted.

Representative Hosmer offered **House Amendment No. 26**.

House Amendment No. 26

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 25, Line 21, by inserting at the end of said line the following:

“491.076. 1. Any statement by an elderly or disabled person, as defined in section 660.053, RSMo, made at or near the time of an alleged crime while the person is still under the stress of excitement caused by the alleged crime shall be admissible into evidence in criminal, civil and administrative proceedings in this state as substantive evidence to prove the truth of the matter asserted if:

(1) The elderly or disabled person testifies or the person is unavailable as a witness at the time of the criminal, civil or administrative proceeding due to the person’s physical or mental condition; and

(2) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability.

2. A statement may not be admitted in a criminal proceeding pursuant to this section unless the prosecuting attorney makes known to the accused or the accused’s counsel his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the accused’s counsel with a fair opportunity to prepare to meet the statement.

3. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law.”.

On motion of Representative Hosmer, **House Amendment No. 26** was adopted.

Representative Gambaro offered **House Amendment No. 27**.

House Amendment No. 27

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 14, Section 429.145, Line 1, by inserting after said line the following:

“429.015. 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land [under or by virtue of] **pursuant to any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410,**

RSMo, upon complying with the provisions of this chapter, shall have for such person's landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or lessee on which the building or improvements are situated, to the extent of one acre. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered [under] **pursuant to** the laws of this state to practice architecture, engineering or land surveying.

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or machinery for the digging of a well to obtain water [under or by virtue of] **pursuant to** any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of one acre, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure [under or by virtue of] **pursuant to** any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for such person's work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of one acre. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and materials performed.

4. **If a city, town, or village or county with a charter form of government has, with or without a contract, ordered a mechanic or other person to perform the work described in subsection 3 of this section, and if that city, town, village or county has paid the mechanic or other person in full at any time within one hundred twenty days after the mechanic or other person has completed such work, then that city, town, village or county shall, upon complying with the provisions of sections 429.010 to 429.340, have a lien on the property in lieu of the lien that the mechanic or other person would have had pursuant to subsection 3 of this section.**

5. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430 applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 [and] , 3 **and 4** of this section.

[5.] 6. Any design professional or corporation authorized to have lien rights [under] **pursuant to** subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted for such professional services directly with the design professional or corporation asserting the lien; [and]

(2) The owner or lessee is the owner or lessee of such real property either at the time the contract is made or at the time the lien is filed; **and**

(3) The agreement is in writing.

[6.] 7. Priority between a design professional or corporation lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis.

[7.] 8. In any civil action, the owner or lessee may assert defenses which include that the actual construction of the planned work or improvement has not been performed in compliance with the professional services contract, is impracticable or is economically infeasible.

[8. The agreement is in writing.] “; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Gambaro, **House Amendment No. 27** was adopted.

Representative Secrest offered **House Amendment No. 28.**

House Amendment No. 28

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 43, Section 621.198, Lines 6-11, by deleting all of said lines from the bill.

On motion of Representative Secrest, **House Amendment No. 28** was adopted.

Representative Monaco offered **House Amendment No. 29.**

House Amendment No. 29

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 27, Section 514.440, after Line 15, by inserting the following:

“514.440. **1. Except as provided in subsection 2**, the judges of the circuit court, en banc, in any circuit in this state, by rule of court adopted prior to January 1, [1997] **2001**, may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in the amount of not to exceed fifteen dollars in addition to all other deposits required by law or court rule. Sections 514.440 to 514.460 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. In any circuit wholly within a county of the first classification with a charter form of government having a courthouse in two different cities within the county, the judges of the circuit court, en banc, by rule of court adopted prior to January 1, 2001, may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in the amount of not to exceed twenty dollars in addition to all other deposits required by law or court rule.

3. Sections 514.440 to 514.460 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.”.

On motion of Representative Monaco, **House Amendment No. 29** was adopted.

Representative Richardson offered **House Amendment No. 30.**

House Amendment No. 30

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 9, Section 211.185, Line 41 of said page, by striking all of said line and inserting in lieu thereof the following:

“pursuant to this section, Section 8.150 RSMo, and Section 537.045, RSMo, exceed four thousand dollars **for offenses which occur prior to September 1, 2000; and twenty thousand dollars for offenses which occur on and after September 1, 2000.”; and**

Further amend said bill, Page 29, Section 537.045, Line 15 of said page, by striking all of said line and inserting in lieu thereof the following:

“for that judgment up to an amount not to exceed two thousand dollars **for causes of action which accrue before September 1, 2000; and for causes of action which accrue on and after September 1, 2000, twenty thousand”.**

On motion of Representative Richardson, **House Amendment No. 30** was adopted.

Representative Hegeman offered **House Amendment No. 31**.

House Amendment No. 31

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 43, Section 1, Line 1, by inserting after the Number “1.” the following:

“In all proceedings before the administrative hearing commission or any state agency, a corporation, partnership or other business entity authorized by law may be represented by counsel, the president or chief executive officer of such corporation, partnership or business entity or a person in the full time employment in a managerial capacity and designated by the president or chief executive officer to represent the corporation, partnership or business entity. In any such proceeding before the administrative hearing commission or a state agency whereby a corporation, partnership or business entity is represented by either its president or chief executive officer, or by a designated person, such person shall be afforded the opportunity to participate in the proceeding and such representation shall not be construed to be the practice of law as such term is defined in Section 484.010.

2.”; and

Further amend said section, Line 6, by deleting the Number “2” and inserting in lieu thereof the Number “3”; and

Further amend said Section, Line 12, by deleting the Number “3” and inserting in lieu thereof the Number “4”; and

Further amend the title and enacting clause accordingly.

Representative May (108) raised a point of order that **House Amendment No. 31** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Hegeman moved that **House Amendment No. 31** be adopted.

Which motion was defeated.

Representative Monaco offered **House Amendment No. 32**.

House Amendment No. 32

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 15, Section 451.080, Line 23, by inserting immediately after said section the following:

“452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so

substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.

5. If a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement.

6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or maintenance order was entered of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the division of child support enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

[8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the division of child support enforcement as provided in section 454.400, RSMo, the court shall modify a support order in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be ordered in accordance with such guidelines or regulations.]; and

Further amend said bill, Section 452.556, Page 16, Line 23, by inserting immediately after said line the following:

“454.498. 1. [Notwithstanding section 452.370, RSMo, and sections 454.496 and 454.500, or any other section requiring a showing of substantial and continuing change in circumstances to the contrary, and] as provided for in subdivision (13) of subsection 2 of section 454.400 and taking into account the best interest of the child, the director shall:

(1) Modify, if appropriate, a support order being enforced under Title IV-D of the Social Security Act in accordance with the guidelines and criteria set forth in supreme court rule 88.01 **and section 452.370, RSMo** [if the amount in the current order differs from the amount that would be awarded in accordance with such guidelines]; or

(2) Use automated methods (including automated comparisons with wage or state income tax data) to identify orders eligible for review, conduct the review, identify orders eligible for adjustment and apply the adjustment to the orders eligible for adjustment under any threshold that may be established by the state.

2. If the division conducts a review pursuant to subdivision (2) of subsection 1 of this section, either party to the order may contest the adjustment within thirty days after the date of the notice of adjustment by requesting, if appropriate, a review and modification in accordance with the guidelines and criteria set forth in supreme court rule 88.01. If the review is timely requested, the division shall review and modify the order, if appropriate, in accordance with supreme court rule 88.01. The division may conduct a review pursuant to subdivision (2) of subsection 1 of this section only if the division is unable to conduct a review pursuant to subdivision (1) of subsection 1 of this section.

3. The division may review and adjust a support order upon request outside the three-year cycle [only] upon [a] demonstration by the requesting party **and in accordance with procedural rules established by the division by rule pursuant to chapter 536** [of a substantial change in circumstances which shall be determined by the division. If the division determines that an adjustment shall not be made, the division shall, within fourteen days, mail notice of such determination to the parents or other child support agency, if any].”; and

Further amend the title and enacting clause of said bill accordingly.

On motion of Representative Monaco, **House Amendment No. 32** was adopted.

Representative Britt offered **House Amendment No. 33**.

House Amendment No. 33

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 4, Section 43.503, Line 78, by inserting immediately after said line the following:

“50.550. 1. The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

6. Subject to the provisions of Section 50.555 the county commission may create a fund to be known as “The County Crime Reduction Fund”.

7. [6.] The county commission may create other funds as are necessary from time to time.

50.555. 1. A county commission may establish by resolution a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.

2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund’s board of trustees and only for the purposes provided for by subsection 3 of this section.

3. Money from the county crime reduction fund shall only be expended for the following purposes:

- (1) narcotics investigation, prevention and intervention;**
- (2) payment of rewards through the sheriff’s employees;**
- (3) purchase of law enforcement related equipment and supplies for the sheriff’s office;**
- (4) matching funds for federal or state law enforcement grants;**
- (5) funding for the reporting of all state and federal crime statistics or information; and**
- (6) any law enforcement related expense, including those of the prosecuting attorney, approved by the**

board of trustees for the county crime fund that is reasonably related to investigation, preparation, trial and disposition of criminal cases before the courts of the State of Missouri.

4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state or federal funds.

5. County crime reduction funds shall be audited as are all other county funds.”; and

Further amend said bill, Page 38, Section 550.120, Line 21, by inserting immediately after said line the following:

“558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of subsections 2 through 5 of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. For purposes of this section, the phrase “sentence imposed by the court” means the total aggregate sentence actually imposed by the sentencing court.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the

supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
 - (b) The record of prior offenses by the offender;
 - (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime;
- and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community services;
- (4) Work release programs in local facilities; and
- (5) Community based residential and nonresidential programs; and

8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to § 50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo. An annual audit of the fund shall be conducted by the county auditor or the state auditor.

9. [8.] The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

- (1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and
- (2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty in a misdemeanor case or finding of guilt in a misdemeanor case, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo.

[3.] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.”.

On motion of Representative Britt, **House Amendment No. 33** was adopted.

Representative Marble offered **House Amendment No. 34.**

House Amendment No. 34

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 29, Section 535.110, Line 6, by inserting immediately after said line the following:

“536.025. 1. A rule may be made, amended or rescinded by a state agency without following the provisions of section 536.021, only if the state agency:

- (1) Finds that an immediate danger to the public health, safety or welfare requires emergency action or the rule is necessary to preserve a compelling governmental interest that requires an early effective date as permitted pursuant to this section;
- (2) Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances;
- (3) Follows procedures which comply with the protections extended by the Missouri and United States Constitutions; and
- (4) Limits the scope of such rule to the circumstances creating an emergency and requiring emergency action.

2. At the time of or prior to the adoption of such rule, the agency shall file with the secretary of state, [and] the joint committee on administrative rules, **and the state representative and senator of the area impacted** the text of the rule together with the specific facts, reasons, and findings which support the agency's conclusion that the agency has fully complied with the requirements of subsection 1 of this section. If an agency finds that a rule is necessary to

preserve a compelling governmental interest that requires an early effective date, the agency shall certify in writing the reasons therefor.

3. Material filed with the secretary of state and the joint committee on administrative rules under the provisions of subsection 2 of this section shall be published in the Missouri Register by the secretary of state as soon as practicable after the filing thereof. Any rule adopted pursuant to this section shall be reviewed by the secretary of state to determine compliance with the requirements for its publication and adoption established in this section, and in the event that the secretary of state determines that such proposed material does not meet those requirements, the secretary of state shall not publish the rule. The secretary of state shall inform the agency of its determination, and offer the agency a chance to either withdraw the rule or to have it published as a proposed rule.

4. The committee may file with the secretary of state any comments or recommendations that the committee has concerning a proposed or final order of rulemaking. Such comments shall be published in the Missouri Register.

5. The committee may refer comments or recommendations concerning such rule to the appropriations and budget committee of the house of representatives and the appropriations committee of the senate for further action.

6. Rules adopted under the provisions of this section shall be known as "emergency rules" and shall, along with the findings and conclusions of the state agency in support of its employment of emergency procedures, be judicially reviewable under section 536.050 or other appropriate form of judicial review. The secretary of state and any employee thereof, acting in the scope of employment, shall be immune from suit in actions regarding the adoption of rules pursuant to this section.

7. A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. Emergency rules shall not be in effect for a period exceeding one hundred eighty calendar days or thirty legislative days, whichever period is longer. For the purposes of this section, a "legislative day" is each Monday, Tuesday, Wednesday and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.

8. A rule adopted under the provisions of this section shall not be renewable, nor shall an agency adopt consecutive emergency rules that have substantially the same effect, although a state agency may, at any time, adopt an identical rule under normal rulemaking procedures.

9. A rule adopted under the provisions of this section may be effective not less than ten days after the filing thereof in the office of the secretary of state, or at such later date as may be specified in the rule, and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable after the filing thereof.

10. If it is found in a contested case by an administrative or judicial fact finder that an agency rule should not have been adopted as an emergency rule as provided by subsection 1 of this section, then the administrative or judicial fact finder shall award the nonstate party who prevails, as defined in this section, its reasonable fees and expenses, as defined in this section. This award shall constitute a reviewable order. If a state agency in a contested case grants the relief sought by the party prior to a finding by an administrative or judicial fact finder that the state agency's action was based on a statement of general applicability which should not have been adopted as an emergency rule, but was in fact adopted as an emergency rule pursuant to this section, then the affected party may bring an action in circuit court of Cole County for the nonstate party's reasonable fees and expenses, as defined in this section.

11. For the purposes of this section, the following terms mean:

- (1) "Prevails", obtains a favorable order, decision, judgment or dismissal in a civil action or agency proceeding;
- (2) "Reasonable fees and expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test or project which is found by the court or agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees."; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Marble, **House Amendment No. 34** was adopted.

Representative Hartzler (124) offered **House Amendment No. 35**.

House Amendment No. 35

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 43, Section 2, Line 5 of said page, by inserting after all of said line the following:

"Section 3. 1. Notwithstanding any provision of law to the contrary, a court of competent jurisdiction may issue a restraining order against persons less than eighteen years of age if it would be appropriate to issue the restraining order if the person was at least eighteen years of age, unless such order is requested by the custodial parent of such child.

2. Any person who violates a restraining order issued pursuant to this section is guilty of a class A misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hartzler (124), **House Amendment No. 35** was adopted by the following vote:

AYES: 131

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Black	Blunt	Boatright	Bonner	Boucher 48
Boykins	Britt	Brooks	Campbell	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foster
Franklin	Froelker	Gambaro	Gibbons	Graham 106
Graham 24	Gratz	Griesheimer	Gross	Gunn
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan
Levin	Liese	Linton	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McBride	McClelland	McKenna	Merideth	Miller
Monaco	Murphy	Murray	Myers	Naeger
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Riley	Rizzo	Robirds	Ross	Schwab
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Treadway	Tudor	Vogel	Wagner	Ward
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 011

Bray 84	Davis 63	Foley	Ford	Fraser
Hagan-Harrell	Ridgeway	Scheve	Schilling	Troupe
Van Zandt				

PRESENT: 001

McLuckie

ABSENT WITH LEAVE: 019

Auer	Ballard	Berkstresser	Burton	Days
Gaskill	George	Green	Harlan	Kasten
Leake	Lograsso	Nordwald	Richardson	Sallee
Scott	Stokan	Townley	Wiggins	

VACANCIES: 001

Representative O'Toole offered **House Amendment No. 36**.

Representative Monaco raised a point of order that **House Amendment No. 36** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Gross offered **House Amendment No. 36**.

Representative Monaco raised a point of order that **House Amendment No. 36** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Froelker offered **House Amendment No. 36**.

House Amendment No. 36

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 7, Section 210.865, Line 13, by adding to the end of said section the following:

“This section and section 210.870 shall only apply to children who have been found by a juvenile division of a circuit court to have committed an act which would have been a criminal act if committed by an adult.”.

On motion of Representative Froelker, **House Amendment No. 36** was adopted.

Representative Wagner offered **House Amendment No. 37**.

Representative Foley raised a point of order that **House Amendment No. 37** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Speaker Pro Tem Kreider resumed the Chair.

Representative Patek offered **House Amendment No. 37**.

Representative Monaco raised a point of order that **House Amendment No. 37** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Bennett offered **House Amendment No. 37**.

Representative May (108) raised a point of order that **House Amendment No. 37** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Graham (24) offered **House Amendment No. 37**.

House Amendment No. 37

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 43, Section 2, Line 5, by inserting after said line the following:

“Section 3. Revenue placed in the special trust fund pursuant to 67.582, RSMo, may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principle in bonds issued for said capital improvement projects.”; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative May (108) raised a point of order that **House Amendment No. 37** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Graham (24), **House Amendment No. 37** was adopted.

Representative Akin offered **House Amendment No. 38**.

Representative May (108) raised a point of order that **House Amendment No. 38** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Smith offered **House Amendment No. 38**.

Representative Foley raised a point of order that **House Amendment No. 38** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Monaco offered **House Amendment No. 38**.

House Amendment No. 38

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 30, Section 537.045, Line 23, by adding the following new section:

“537.053. 1. Except as provided in Subsections (2) and (3) of §537.053, the General Assembly finds and declares that the consumption of alcoholic beverages, rather than the sale or furnishing or serving such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person. Nothing in this Section shall authorize the consumer of any alcoholic beverage to recover from the provider of such alcoholic beverage for injuries or damages suffered by such consumer of such beverages.

2. A person or entity who sells, furnishes, or serves alcoholic beverages to a person of lawful drinking age shall not become liable for injury, death or damages to other persons caused by or resulting from the negligence or intoxication of such person; provided, however, a person or entity that knowingly sells, furnishes, or serves alcoholic beverages to a person who is in a state of noticeable intoxication, and has reason to know that such person may soon operate a motor vehicle shall be liable for injury, death or damage to another person if furnishing such alcoholic beverages directly causes or combined with the negligence of such intoxicated person to directly contribute to cause such injury, death, or damage to such other person.

3. A person or entity that sells, furnishes, or serves alcoholic beverages to a minor that such person or entity has reason to know is not of lawful drinking age and has reason to know that such minor may soon operate a motor vehicle shall be liable for injury, death, or damage to another person if furnishing such alcoholic beverages, directly causes or combines with the negligence of such minor not of lawful drinking age to directly cause such injury, death, or damage to such other person.

4. No person who owns or occupies a premises shall be liable for the conduct of any person who consumes alcoholic beverages on such premises without the knowledge and without the consent of such person who owns or occupies such premises.”.

On motion of Representative Monaco, **House Amendment No. 38** was adopted.

Representative May (108) offered **House Amendment No. 39**.

House Amendment No. 39

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 43, Section 2, Line 5, by inserting the following:

“Section 3. All functions of the ethics commission regarding the implementation, storage, processing and maintenance of any electronic reporting system pursuant to Chapter 105, RSMo, and Chapter 130, RSMo, shall, effective January 1, 2001, be transferred to the data processing division established pursuant to section 37.110, RSMo, within the office of administration. The ethics commission shall retain its duties provided by law regarding the filing of reports and public access to reports.”; and

Further amend the title and enacting clause of said bill accordingly.

On motion of Representative May (108), **House Amendment No. 39** was adopted.

Representative Kelley (47) offered **House Amendment No. 40**.

House Amendment No. 40

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 9, Section 211.185, Line 53, by inserting immediately after said section the following:

“217.693. 1. To encourage and assist the governor in carrying out his or her constitutional responsibility, the board shall review thoroughly the case history and prison record of those offenders incarcerated in a correctional institution with no possibility of parole if the offender:

(1) Has no prior felony conviction;

- (2) Has served at least fifteen years of such sentence; and
- (3) Has exhausted all of such offender's appeals, in both state and federal court.

2. The board, after considerable study and review of such cases and after personally interviewing each eligible offender, shall prepare a report to the governor with a recommendation to either grant or deny executive clemency thereby making the offender eligible for parole after serving at least twenty years of the sentence. The board shall make their report to the governor within thirty days of the time of the personal interview with the qualifying offender. This report shall also be given to each offender interviewed at the same time it is presented to the Governor, thereby allowing them to assess their own progress.

3. Any offender released pursuant to this section shall be under the supervision of the board for at least five years or until the board releases such offender at a later time.

4. Nothing in this section shall limit the review of any other offender's case who has applied for clemency, nor shall it limit in any way the governor's power to grant clemency.

5. The board shall consider, but not be limited to the following criteria when making its' decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included evidence of abuse, including physical, mental, emotional or sexual;
- (4) The offender's role in the crime and the degree of violence exhibited;
- (5) Whether a plea bargain was rejected and why;
- (6) The severity of the sentence received considering the offender's role in the crime;
- (7) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;
- (8) Whether the offender has given substantial thought to a workable parole plan;
- (9) Whether new evidence has arisen showing the offender to be innocent.

6. Any offender's case reviewed pursuant to this section shall be again reviewed and a recommendation made to the governor every three years if the offender remains incarcerated.”.

Representative Kelley (47) moved that **House Amendment No. 40** be adopted.

Which motion was defeated.

Representative Hanaway offered **House Amendment No. 41**.

House Amendment No. 41

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 30, Section 537.675, Lines 4 through 23, by deleting all of said lines; and

Further amend said bill, Page 93, Section 537.675, Lines 1 through 6, by deleting all of said lines; and

Further amend said bill, Page 92, Section 537.675, Line 6, by inserting after the words “fund.]” the following:

“fund.] **Fifty percent of any final judgment awarding punitive damages after the deduction of attorneys' fees and expenses shall be deemed rendered in favor of the state of Missouri. The circuit judge shall order fifty percent of any judgment awarding punitive damages paid to the tort victims' compensation fund. No payment shall be made to the tort victims' compensation fund until the exhaustion of all appeals or while an appeal is pending, and no payment shall be to the tort victims' compensation fund in cases resolved by arbitration, mediation or compromise settlement. The circuit court judge's order is vacated in the event that the case is resolved by arbitration, mediation or compromise settlement. Nothing in this chapter shall hinder or in any way affect the right or ability of the parties to any claim or lawsuit to compromise or settle such claim or litigation on any terms and at any time the parties desire.”.**

Representative Hanaway moved that **House Amendment No. 41** be adopted.

Which motion was defeated.

Representative Hollingsworth offered **House Amendment No. 42**.

Representative Froelker raised a point of order that **House Amendment No. 42** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Gibbons offered **House Amendment No. 42**.

Representative May (108) raised a point of order that **House Amendment No. 42** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Speaker Gaw resumed the Chair.

Representative Monaco offered **House Amendment No. 42**.

House Amendment No. 42

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 40, Section 610.105, Line 12, by inserting immediately after said line the following:

“621.053. Any person authorized to protest any action taken by a motor vehicle, **motorcycle or all-terrain vehicle** manufacturer, distributor or representative pursuant to a [motor vehicle] franchise agreement may file a protest with the administrative hearing commission as provided in [sections 407.810 to 407.835, RSMo.] **chapter 407, RSMo. For cases arising pursuant to chapter 407, RSMo, the administrative hearing commission may, by rule, set a filing fee equal to the filing fee in the circuit court of Cole County.**”; and

Further amend said bill, Pages 42-43, Lines 1-21, by striking all of said section and inserting in lieu thereof the following:

“621.198. The administrative hearing commission shall publish and file with the secretary of state [independent sets of] rules of procedure for the conduct of proceedings before it. [One set of rules shall apply exclusively to proceedings in licensing cases under section 621.045. Another set of rules shall apply exclusively to challenges to agency authority brought under section 621.155. A third set of rules shall apply to sales and use and income tax disputes under section 621.050.] Rules of procedure adopted [under] **pursuant to** the authority of this section shall be designed to simplify the maintenance of actions and to enable review to be sought, where appropriate, without the need to be represented by independent counsel. [Each set of rules shall be promulgated under the procedures set forth in sections 536.020 to 536.035, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**”; and

Further amend the title and enacting clause of said bill accordingly.

On motion of Representative Monaco, **House Amendment No. 42** was adopted.

Representative Smith offered **House Amendment No. 43**.

House Amendment No. 43

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 6, Section 196.790, Line 15, by inserting after said line the following:

- "196.1014. 1. There is hereby created in the state treasury the "Missouri Tobacco Settlement Trust Fund".**
- 2. The state treasurer shall deposit to the credit of the tobacco settlement trust fund all moneys received by the state pursuant to the master settlement agreement entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.**
- 3. The state treasurer shall invest moneys in the Missouri tobacco settlement trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo.**
- 4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the trust fund shall not revert to the credit of the general revenue fund at the end of the biennium.**
- 5. No disbursement shall be made from the Missouri tobacco settlement trust fund or any earnings resulting from the investment of such moneys until procedures for disbursement are approved by the voters and further provided by law.";** and

Further amend the title and enacting clause accordingly.

Representative Lograsso raised a point of order that **House Amendment No. 43** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Van Zandt offered **House Substitute Amendment No. 1 for House Amendment No. 43**.

*House Substitute Amendment No. 1
for
House Amendment No. 43*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 6, Section 196.790, Line 15, by inserting after said line the following:

- "196.1014. 1. There is hereby created in the state treasury the "Missouri Tobacco Settlement Trust Fund".**
- 2. The state treasurer shall deposit to the credit of the tobacco settlement trust fund all moneys received by the state pursuant to the master settlement agreement entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.**
- 3. The state treasurer shall invest moneys in the Missouri tobacco settlement trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo.**
- 4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the trust fund shall not revert to the credit of the general revenue fund at the end of the biennium.**
- 5. No disbursement shall be made from the Missouri tobacco settlement trust fund or any earnings resulting from the investment of such moneys until procedures for disbursement are approved by the voters until June 30, 2001, whichever occurs earlier, and further provided by law.";** and

Further amend the title and enacting clause accordingly.

Representative Monaco offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 43**.

House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 43 was withdrawn.

Representative Monaco offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 43**.

*House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 43*

AMEND House Amendment No. 1 for House Amendment No. 43 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 2, Section 196.1014, Lines 1-5, by deleting all of said lines and inserting in lieu thereof the following:

“5. No disbursement shall be made from the Missouri tobacco settlement trust fund or any earnings resulting from the investment of such moneys until procedures for disbursement are approved by the voters or until November 11, 2001, whichever occurs earlier, and further provided by law.”; and

Further amend the title and enacting clause accordingly.

Representative Blunt offered **House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 43**.

Representative Monaco raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 43** is in the third degree.

The Chair ruled the point of order well taken.

On motion of Representative Monaco, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 43** was adopted by the following vote:

AYES: 146

Abel	Alter	Auer	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton

Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Legan	Levin	Liese
Lograsso	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Ransdall	Reid
Reinhart	Relford	Reynolds	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 004

Elliott	Evans	Hohulin	Richardson
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PRESENT: 000

ABSENT WITH LEAVE: 012

Akin	Ballard	Burton	Kasten	Lawson
Leake	Linton	Long	Purgason	Stokan
Townley	Wright			

VACANCIES: 001

Representative Evans offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43**.

Representative Monaco raised a point of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43** is not a true amendment.

The Chair ruled the point of order well taken.

Representative Lograsso offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43**.

Representative Van Zandt raised a point of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Reid offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43**.

Representative Van Zandt raised a point of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Patek offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43**.

Representative Monaco raised a point of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43** goes beyond the scope of the bill and the amendment.

The Chair ruled the point of order well taken.

Representative Hanaway offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43**.

Representative Van Zandt raised a point of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43** goes beyond the scope of the bill.

Representative Smith raised an additional point of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 43** is not germane to the substitute amendment.

The Chair ruled the point of order well taken.

Representative Van Zandt moved that **House Substitute Amendment No. 1 for House Amendment No. 43, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 061

Abel	Auer	Backer	Berkowitz	Boykins
Bray 84	Britt	Brooks	Campbell	Clayton
Crump	Curls	Davis 122	Davis 63	Days
Dougherty	Farnen	Fitzwater	Ford	Franklin
Fraser	Graham 24	Gratz	Gunn	Hagan-Harrell
Harlan	Hilgemann	Holand	Hollingsworth	Hosmer
Kelly 27	Kennedy	Koller	Kreider	Lakin
Leake	May 108	Mays 50	McBride	McClelland
McLuckie	Monaco	O'Toole	Ostmann	Parker
Relford	Riley	Scheve	Schilling	Seigfreid
Selby	Shelton	Skaggs	Smith	Thompson
Van Zandt	Wiggins	Williams 121	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 091

Akin	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Champion	Chrismer	Cierpiot
Crawford	Dolan	Elliott	Enz	Evans
Foley	Foster	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Green	Griesheimer
Gross	Hampton	Hanaway	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hohulin	Hoppe

Howerton	Kelley 47	King	Kissell	Klindt
Legan	Levin	Liese	Lograsso	Loudon
Luetkemeyer	Luetkenhaus	Marble	McKenna	Merideth
Miller	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	Overschmidt	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Reynolds	Richardson	Ridgeway	Robirds
Ross	Sallee	Schwab	Scott	Secrest
Shields	Summers	Surface	Treadway	Troupe
Tudor	Vogel	Wagner	Ward	Williams 159
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 010

Alter	Ballard	Burton	Kasten	Lawson
Linton	Long	Rizzo	Stokan	Townley

VACANCIES: 001

Representative Lograsso requested verification of the roll call on the motion to adopt **House Substitute Amendment No. 1 for House Amendment No. 43, as amended.**

HCS SS SCS SBs 678 & 742, as amended, with House Amendment No. 43, pending, was laid over.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

SCR 26 - Children, Youth and Families
SCS SCR 41 - Miscellaneous Bills and Resolutions
SCR 42 - State Parks, Natural Resources and Mining
SCR 43 - Social Services, Medicaid and the Elderly

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 788

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Bill No. 788, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 788, as amended;

2. That the Senate recede from its position on Senate Bill No. 788; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 788 be adopted.

FOR THE HOUSE:

/s/ Joan Barry
/s/ Harry Kennedy
/s/ Chuck Graham
/s/ Bill Tudor
/s/ Linda Bartelsmeyer

FOR THE SENATE:

/s/ Sidney Johnson
/s/ Joe Maxwell
/s/ Harry Wiggins
/s/ Marvin Singleton
/s/ Betty Sims

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 856**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Parts I, II, IV and V of House Substitute for House Committee Substitute for Senate Bill No. 856 with House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 5 to Part I, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11 to Part II, House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 to Part IV, and House Amendment No. 1 to Part V, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 856, as amended;
2. That the Senate recede from its position on Senate Bill No. 856;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 856 be adopted.

FOR THE HOUSE:

/s/ Tim Harlan
/s/ James Foley
/s/ Yvonne Wilson
/s/ Annie Reinhart
/s/ Charlie Shields

FOR THE SENATE:

/s/ Joe Maxwell
/s/ Harry Wiggins
/s/ Paula Carter
/s/ Marvin Singleton
/s/ Roseann Bentley

COMMITTEE REPORTS

Committee on Children, Youth and Families, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **SCR 26**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Fiscal Review, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SS#3 SJR 35**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Miscellaneous Bills and Resolutions, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 1541**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 1541

WHEREAS, the General Assembly has a long tradition of rendering assistance to programs aimed at developing both outstanding qualities of both citizenship and leadership; and

WHEREAS, as a component of the Sue Shear Institute for Women in Public Life at the University of Missouri-St. Louis, the 21st Century Leadership Training is a week-long residential program for Missouri college women designed to stimulate interest in public policy formation and to teach women the skills necessary to succeed in this arena; and

WHEREAS, the 21st Century Leadership Training program is planning to conduct a mock legislative session at the State Capitol on Wednesday, May 24, 2000:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, hereby grant the 21st Century Leadership Training program permission to use the House Chamber for the purpose of conducting its mock legislature on May 24, 2000, from 10:30 a.m. until noon.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SCR 44**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 763, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 813, as amended**: Senators House, Clay, Stoll, Steelman and Klarich.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HCS HB 1076**, entitled:

To repeal sections 163.036, 163.172 and 167.645, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 6, Senate Amendment No. 10, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, In the Title, Line 4, by inserting after “**sections**” the following:

“, and with a termination date for a certain section”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

“105.269. 1. Any [metropolitan] school district [who has individuals who work in said district which are employed by the state of Missouri who participate in the volunteer tutoring program as provided in said section and] which has [at least] a [five percent] shortage of certified teachers may [apply to the department of elementary and secondary education for waivers to] allow retired teachers to teach [in said metropolitan school district] for up to two years without losing his or her retirement benefits. [Said retired teacher need not be in the teacher's salary scale. Said metropolitan] School [district] **districts** shall place an emphasis on hiring retired teachers to teach in areas that include but are not limited to, improving student reading, which may include elementary remedial reading and the “Read to be Ready Program” as established [under this act] **pursuant to sections 167.340 to 167.346, RSMo**, math, science, [and] special education, **or any other full-time teaching assignment, except that school district administrative assignments shall be excluded. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total certificated staff for that school district or five persons. Any retired certificated teacher hired pursuant to this section shall be included in the state directory of new hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7 and said teacher must have at least thirty years of combined service credit in Missouri public school retirement systems. No school district shall employ any person pursuant to this section until such time as the affected retirement system has completed an actuarial study assuring that implementation of the provisions of this section are cost-neutral and the system will remain actuarially sound and the system has provided written notice of such study to the district. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.**

2. [The department of elementary and secondary education shall adopt rules to implement the provisions of this

section.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 167.640, RSMo, shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and section 167.640, RSMo, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.] **Retirees receiving a retirement allowance pursuant to section 169.600 to 169.715, RSMo, may be employed full-time in a non-administrative position in any school district for a period of up to two years without losing his or her benefits.**

3. This section shall terminate on June 30, 2003.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, In the Title, Lines 2-3, by striking “**public schools**” and inserting in lieu thereof the following: “**education**”; and

Further amend said bill, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

“178.870. Any tax imposed on property subject to the taxing power of the junior college district under article X, section 11(a) of the constitution without voter approval shall not exceed the annual rate of ten cents on the hundred dollars assessed valuation in districts having one billion dollars **five hundred million** or more assessed valuation; twenty cents on the hundred dollars assessed valuation in districts having [five] **seven hundred fifty** million dollars but less than one billion **five hundred million** dollars assessed valuation; thirty cents on the hundred dollars assessed valuation in districts having [two] **five hundred [fifty]** million dollars but less than [five] **seven hundred fifty** million dollars assessed valuation; forty cents on the hundred dollars assessed valuation in districts having less than [two] **five hundred [fifty]** million dollars assessed valuation; except that, no public junior college district having an assessed valuation in excess of one hundred million and less than two hundred fifty million which is levying an operating levy of thirty cents per one hundred dollars assessed valuation on September 28, 1975, shall increase such levy above thirty cents per one hundred dollars assessed valuation without voter approval. Tax rates specified in this section that were in effect in 1984 shall not be lowered due to an increase in assessed valuation created by general reassessment; however, the provisions of section 137.073, RSMo, or section 22(a) of article X of the Missouri Constitution are applicable. Districts which operate institutions awarding degrees above the associate degree shall not be affected by the changes provided in this section. Increases of the rate with voter approval shall be made in the manner provided in chapter 164, RSMo, for school districts.”; and

Further amend said bill, Page 10, Section B, Line 2, by striking “**and 167.645**” and inserting in lieu thereof the following: “**, 167.645 and 178.870**”; and

Further amend said bill and section, Page 11, Line 5, by striking “**and 167.645**” and inserting in lieu thereof the following: “**, 167.645 and 178.870**”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, Section A, Line 3, by inserting after all of said line the following:

“160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. “Exemplary levels” shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as “Outstanding Schools Waivers”, consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.”;
and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

“Section 1. The provisions of section 165.011 to the contrary notwithstanding, money received from the county school fund from penalties paid by a concentrated animal feeding operation as defined by the department of natural resources shall be placed to the credit of the fund or funds designated by the board.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

“167.685. 1. Any school district in this state may develop a “Teacher Cadet Program”, pursuant to this section, which shall consist of both a course offered as a full, daily class period, or the district equivalent thereof, and any other activities as the district or the department of elementary and secondary education may provide. The course may be offered at all, or any one of, the secondary schools in any such district. The course shall provide introductory instruction in the field of elementary and secondary school classroom teaching, with emphasis on instruction in mathematics and reading, and shall provide interested students with an insight into the nature and challenges of the teaching profession.

2. In order to become eligible for any teacher cadet program, a student shall:

(1) Have a cumulative secondary school grade point average of 3.0 or higher;
(2) Submit an essay to the district, in the manner that the district may provide, detailing the reasons why he or she wants to become a member of the program; and

(3) Participate in an entrance interview, in the manner that the district or the department of elementary and secondary education may provide.

3. Any student successfully completing such program shall be:

(1) Eligible for college credit at the University of Missouri or at any state college or university, in an amount to be determined by the coordinating board for higher education;

(2) Given preference in approval for any teaching scholarship offered pursuant to sections 160.276 to 160.283, RSMo, and for any other scholarships designed by this state to encourage the development of elementary and secondary school educators.

4. The department of elementary and secondary education shall develop minimum criteria for the program described in subsection 1 of this section, and any school district adopting the program shall, in addition to such other elements of any such program that the school district may provide, incorporate such criteria into such district's program.

5. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 13

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 2, Section 160.560, Line 40, by inserting after all of said line the following:

“163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school

purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes **provided that an increase in the payment amount of line 14(a) shall be made by the department of elementary and secondary education, if needed, to ensure that a district receives no less total revenue from lines 14(a) and 14(b) than the district would receive if it levied an operating levy no greater than two dollars and seventy-five cents per one hundred dollars assessed valuation;** the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment

amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **Beginning with the 2000-2001 school year, the eligible pupil number used in these calculations shall exclude voluntary transfer students, and the 1997-1998 line 14 total amount and amount per pupil will be recalculated to exclude the voluntary transfer students originally in the calculation. Beginning with the 2000-2001 school year, for any district with voluntary transfer students in 1997-1998, the current year per eligible pupil payment amount shall not be less than the previous year per eligible pupil payment amount.**

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

- 1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP).....\$.....
- 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two

dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP).....\$.....

Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year.....\$.....
3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes).....\$.....
4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes).....\$.....
5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes).....\$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%.....\$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087.....\$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo.....\$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo.....\$.....
10. Total deductions (sum of lines 2-9).....\$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x proration.....\$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration.....\$.....
13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration.....\$.....
- 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration.....\$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes.....\$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration.....\$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration.....\$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration.....\$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17).....\$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero).....\$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the

district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”; and

Further amend said bill, Page 10, Section 167.645, Line 99, by inserting immediately after said line the following:

“Section 1. Notwithstanding the provisions of chapter 163, RSMo, to the contrary, for the purposes of determining state aid, a nonresident student enrolled pursuant to a contract authorized pursuant to subsection 2 of section 167.164, RSMo, to provide alternative education may be counted, at the election of the serving school district, as a resident pupil.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by adding the following:

“Section 1. Whenever the Department of Elementary and Secondary Education releases ACT scores for the State of Missouri they shall report composite scores for public and non-public schools separately.”; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SJR 50, as amended**: Senators Stoll, Jacob, Maxwell, Mueller and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS SB 1053, as amended**: Senators Goode, Clay, Wiggins, Flotron and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HB 1238**, entitled:

An act to repeal sections 64.342, 67.1062, 67.1063, 140.160, 141.220, 141.540, 141.610 and 353.020, RSMo 1994, sections 67.410, 67.1461, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as it appears in RSMo Supp. 1999, relating to the use and improvement of property, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 17, Senate Amendment No. 18, Senate Amendment No. 19, Senate Amendment No. 20, Senate Amendment No. 21

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 28, Section 141.220, Line 4, by striking the words “**an independent**” and inserting in lieu thereof the words “**a state licensed or certified**”.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 31, Section 141.540, Line 43, by striking “19” and inserting in lieu thereof “20”.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Pages 20 to 24, Section 67.1461, Lines 1 to 141, by deleting all of said section and inserting in lieu thereof the following:

"67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not for profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city located in a county of the first classification or second classification, any city not within a county and any county;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

[(a)] a. Registered voters; or

[(b)] b. If no registered voters reside in the district, the [owner] owners of one or more parcels of real property

[per capita] **which is to be subject to such real property taxes and is located** within the district per the tax records **for real property** of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property] as of the thirtieth day prior to the date of the applicable election; [and]

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property **which is not exempt from assessment or levy of taxes by the district and which is located** within the district per the tax records **for real property** of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property as] of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise or otherwise, any real property within its boundaries, personal property or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision in a city with a population of at least four hundred thousand located in more than one county, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge and collect fees, rents and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

[(11)] **(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;**

[(12)] **(13) To loan money as provided in sections 67.1401 to 67.1571;**

[(13)] **(14) To make expenditures, create reserve funds and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;**

[(14)] **(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or**

demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

[(15)] **(16)** Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

- (a) Pedestrian or shopping malls and plazas;
- (b) Parks, lawns, trees and any other landscape;
- (c) Convention centers, arenas, aquariums, aviaries and meeting facilities;
- (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems and other site improvements;
- (e) Parking lots, garages or other facilities;
- (f) Lakes, dams and waterways;
- (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
- (h) Telephone and information booths, bus stop and other shelters, rest rooms and kiosks;
- (i) Paintings, murals, display cases, sculptures and fountains;
- (j) Music, news and child-care facilities; and
- (k) Any other useful, necessary or desired improvement;

[(16)] **(17)** To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks and other real property and improvements located within its boundaries for public use;

[(17)] **(18)** Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks and tunnels and to provide the means for access by emergency vehicles to or in such areas;

[(18)] **(19)** Within its boundaries, to operate or to contract for the provision of music, news, child-care or parking facilities, and buses, minibuses or other modes of transportation;

[(19)] **(20)** Within its boundaries, to lease space for sidewalk café tables and chairs;

[(20)] **(21)** Within its boundaries, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons;

[(21)] **(22)** Within its boundaries, to provide or contract for cleaning, maintenance and other services to public and private property;

[(22)] **(23)** To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;

[(23)] **(24)** To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

[(24)] **(25)** To provide or support training programs for employees of businesses within the district;

[(25)] **(26)** To provide refuse collection and disposal services within the district;

[(26)] **(27)** To contract for or conduct economic, planning, marketing or other studies; and

[(27)] **(28)** To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the

services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1545. 1. Any district in a city with a population of at least four hundred thousand located in more than one county may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement district-wide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

G YES

G NO

If you are in favor of the question, place an "X" in the box opposite of "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.097, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which are designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district."; and

Further amend the title, enacting clause and intersectional references accordingly.

Senate Amendment No. 4

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 82.300, Line 27, by inserting after all of said line the following:

"82.1050. 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.

2. The registration form shall be developed by the governing body of such city and shall contain:

(1) The name, personal address, business address and telephone numbers of the landlord;

(2) The address of each property located in the city that is owned and leased by the landlord;

(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision; and

(4) Any other information that the governing body of such city deems necessary to enhance compliance with city public safety and code regulations.

3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater efficiency in compliance with, and enforcement of, public safety and code regulations.

4. This section shall be of no force and effect on or after January 1, 2006."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 3, Section 64.342, Line 18, by inserting after said line the following:

"4. The provisions of this section extending authority to counties concerning marinas shall not apply to any privately operated marina in operation on the effective date of this section."

Senate Amendment No. 6

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 44, Section 260.210, Line 102, by inserting immediately after said line the following:

"301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due; except when electronic personal property tax data has been provided to the department of revenue, and the department of revenue verifies that personal property taxes have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's

registration is due, the department of revenue shall accept those records as proof that the taxpayer has paid said personal property taxes. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. **If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years.** Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown

on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

[301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose

motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section B, Line 9, by adding an additional section thereto as follows:

“Section C. All corrective action plans approved by the department pursuant to chapter 260 shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify within 90 days that the corrective action plan has been complied with and completed. The department shall issue a letter within 30 business days to the owners or operators certifying the completion and compliance.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senate Amendment No. 8

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 92.031, Line 19, by inserting after all of said line the following:

"99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefitted by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

- (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;
 - (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;
 - (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;
 - (8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;
 - (9) Acquire and construct public facilities within a redevelopment area;
 - (10) Incur redevelopment costs and issue obligations;
 - (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;
 - (12) Disburse surplus funds from the special allocation fund to taxing districts as follows:
 - (a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;
 - (b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;
 - (c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;
 - (13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;
 - (14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.
2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:
- (1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;
 - (2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;
 - (3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;
 - (4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such

municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments;

(8) No ordinance adopting a redevelopment plan, project or area, or amendment thereto shall be valid unless first referred to the commission as provided in this section. School districts and other taxing entities entitled to participate on the commission shall have standing to challenge the failure to comply with the provisions of sections 99.800 to 99.865 or any unlawful expenditure of public funds approved pursuant to ordinance, and the provisions of this subdivision shall be considered remedial and applicable to legal actions commenced before or after August 28, 2000. After August 28, 2000, any such action must be brought within one hundred eighty days following the adoption of the ordinance adopting a redevelopment plan, project or area, or amendment thereto.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 9

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 1, In the Title, Line 8, by inserting immediately after the word "sections" the following: "**and an effective date for certain sections**"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting immediately after said line the following:

"50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the recorder, except as provided

pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, 1997.

Assessed Valuation	Salary
\$ 8,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 or more	45,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.

59.005. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Document" or "instrument", any writing or drawing presented to the recorder of deeds for recording;

(2) "File", "filed" or "filing", the act of delivering or transmitting a document to the recorder of deeds for recording into the official public record;

(3) "Grantor" or "grantee", the names of the parties involved in the transaction used to create the recording index;

(4) "Legal description", shall include, but not be limited to, the reference to the lot or parts thereof, block, plat or replat number, plat book and page and the name of any recorded plat; or if the property has not been platted, the acreage, if applicable, the quarter/quarter section, and the section, township and range of property. The address of the property shall not be accepted as an abbreviated legal description;

(5) "Legible", all text, seals, drawings, signatures or other content within the document must be capable of producing a clear and readable image from record, regardless of the process used for recording;

(6) "Page", any writing, printing or drawing printed on one side only covering all or part of the page, not larger than eight and one-half inches in width and eleven inches in height other than a plat or survey; for a drawing or calculations of a plat or survey covering all or part of one side, not larger than thirty-six inches in width and twenty-four inches in height;

(7) "Record", "recorded" or "recording", the recording of a the document into the official public record, regardless of the process used;

(8) "Recorder of deeds", the separate recorder of deeds in those counties where separate from the circuit clerk and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

[59.310. 1. As used in this section, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat, not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 inches x 24 inches, with the following conditions:

(1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;

(2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath said signature.

3. Recorders shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: \$5.00 for the first page and \$3.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument except surveys or plats: a fee not to exceed \$2.00 for the first page and \$1.00 for every page thereafter;

(3) For every certificate and seal, except when recording an instrument: \$1.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: \$25.00 for each page of drawings and calculations plus \$5.00 for each page of other material;

(5) For recording a survey of one tract of land, in the form of one page: \$5.00 per page;

(6) For copying a plat or survey: a fee not to exceed \$5.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: \$2.00. The only additional fee over and above this is the \$1.00 state user fee on all documents that convey real estate, and a 25-cent fee for identifying each note to an instrument when a document is recorded that creates a lien against the real estate.]

59.310. 1. The county recorder of deeds may refuse any document presented for recording that does not meet the following requirements:

(1) **The document shall consist of one or more individual pages printed only on one side, except that forms which are preprinted may be printed on two sides, and not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as required or permitted by law or as necessary to comply with other statutory requirements; a label that is firmly attached with a bar code or return address may be accepted for recording;**

(2) **The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

(3) **The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

(4) **The document shall be on white paper or light colored paper of not less than twenty-pound weight without watermarks or other visible inclusions, except for plats and surveys which may be on materials such as mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;**

(5) **All signatures on a document shall be in black, blue or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or interfere with any part of the document, except where provided for by law;**

(6) **The document shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.**

2. (1) Every document presented for recording except plats and surveys shall have the following information on the first page below the three-inch horizontal line:

- (a) Title of the document;
- (b) Date of the document;
- (c) All grantors names;
- (d) All grantees names; and
- (e) Legal description of the property or contain a reference to the page number or exhibit where the legal description is set out in the document; or

(2) If there is not sufficient room on the first page for all the required information, it may be placed on the subsequent page or pages in sequential order.

3. For a period of three years from July 1, 2001, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars which shall be deposited in the recorders fund established pursuant to subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a document which does not meet the requirements set out in this section.

4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:

- (1) Documents which were signed prior to July 1, 2001;
- (2) Military separation papers;
- (3) Documents executed outside the United States;
- (4) Certified copies of documents, including birth and death certificates;
- (5) Any document where one of the original parties is deceased or otherwise incapacitated; and
- (6) Judgments or other documents formatted to meet court requirements.

5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

6. Recorders of deeds shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;

(2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: one dollar;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: twenty-five dollars for each sheet of drawings and calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. For recording a survey of one or more tracts: five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by twenty-four inches or fraction thereof plus five dollars for each page of other materials;

(5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars for each page of drawings and calculations not larger than twenty-four inches in width and eighteen inches in height and one dollar for each page of other material;

(6) For a document which releases or assigns more than one item: five dollars for each item beyond one released or assigned in addition to any other charges which may apply, however, the recorder may require individual documents due to recording processes;

(7) For every certified copy of a marriage license or application for a marriage license: two dollars; and

(8) For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee. For all other personnel services, use of equipment and use of office facilities, the recorder of deeds shall set a reasonable fee.

[59.313. 1. As used in this section for recording in the office of the recorder of deeds of any city not within a county, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 x 24 inches, with the following conditions:

(1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;

(2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten

copy thereof which will be recorded contemporaneously with the document. Such additional documents shall be recorded at the same cost as an original;

(3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath the signature.

3. The recorder of deeds in any city not within a county shall be allowed fees for his services as follows:

(1) For recording every deed or instrument: \$10.00 for the first page and \$5.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument, except surveys and plats: \$3.00 for the first page and \$2.00 for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: \$2.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: \$44.00 for each page of drawings and calculations plus \$10.00 for each page of other materials;

(5) For recording a survey of one tract of land, in the form of one page: \$8.00;

(6) For copying a plat or survey: \$8.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: \$5.00;

(8) For releasing on the margin: \$8.00 for each item released;

(9) For a document which releases or assigns more than one item: \$7.50 for each item beyond one released or assigned in addition to any other charges which may apply; and

(10) For duplicate reels of microfilm: \$30.00 each. For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.]

59.313. 1. The recorder of deeds in a city not within a county may refuse any document presented for recording that does not meet the following requirements:

(1) **The document shall consist of one or more individual pages printed only on one side not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as required or permitted by law or as necessary to comply with other statutory requirements; a label that is firmly attached with a bar code or return address may be accepted for recording;**

(2) **The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

(3) **The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

(4) **The document shall be on white or light colored paper of not less than twenty-pound weight without watermarks or other visible inclusions except for plats and surveys which may be on materials such as mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;**

(5) **All signatures on a document shall be in black, blue or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or interfere with any part of the document, except where provided for by law;**

(6) **The document shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival**

record.

2. (1) Every document presented for recording except plats and surveys shall have the following information on the first page below the three-inch horizontal line:

- (a) Title of the document;
- (b) Date of the document;
- (c) All grantors names;
- (d) All grantees names; and
- (e) Legal description of the property or contain a reference to the page number or exhibit where the legal description is set out in the document; or

(2) If there is not sufficient room on the first page for all the required information, it may be placed on the subsequent page or pages in sequential order.

3. For a period of three years from July 1, 2001, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars which shall be deposited in the recorders fund established pursuant to subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a document which does not meet the requirements set out in this section.

4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:

- (1) Documents which were signed prior to January 1, 2001;
- (2) Military separation papers;
- (3) Documents executed outside the United States;
- (4) Certified copies of documents, including birth and death certificates;
- (5) Any document where one of the original parties is deceased or otherwise incapacitated; and
- (6) Judgments or other documents formatted to meet court requirements.

5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

6. Recorder of deeds shall be allowed fees for their services as follows:

- (1) For recording every deed or instrument: ten dollars for the first page and five dollars for each page thereafter;
- (2) For copying or reproducing any recorded instrument, except surveys and plats: three dollars for the first page and two dollars for each page thereafter;
- (3) For every certificate and seal, except when recording an instrument: two dollars;
- (4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-four dollars for each page of drawings and calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height, plus ten dollars for each page of other materials;
- (5) For recording a survey of one tract of land, in the form of one sheet not to exceed twenty-four inches in width by eighteen inches in height: eight dollars;
- (6) For copying a plat or survey: eight dollars for each page;
- (7) For every certified copy of a marriage license or application for a marriage license: five dollars;
- (8) For releasing on the margin: eight dollars for each item released;
- (9) For a document which releases or assigns more than one item: seven dollars and fifty cents for each item beyond one released or assigned in addition to any other charges which may apply; and
- (10) For duplicate reels of microfilm: thirty dollars each.

For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees."; and

Further amend said bill, Page 45, Section B, Line 9, by inserting immediately after said line the following:

"Section C. The enactment of section 59.005 and the repeal and reenactment of sections 59.310 and 59.313 shall become effective January 1, 2001."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 11

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 141, by inserting immediately after said line the following:

"72.424. Notwithstanding any other provisions of sections 72.400 to [72.422] **72.423**, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being [of the third classification] **a constitutional charter city** with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, [1999] **2000**. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, [2000] **2001**."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Pages 25 to 27, Section 135.481, Lines 1 to 41, by deleting all of said section and inserting in lieu thereof the following:

"135.481. 1. **(1)** Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, **or for a multiple unit condominium described in subdivision (2) of this subsection**, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) Notwithstanding any other provision of this chapter to the contrary, with the approval of the governing body of a city with a population of over four hundred thousand located in more than one county, any taxpayer who incurs eligible costs for construction of a multiple unit condominium intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, shall receive a credit equal to one hundred percent of demolition costs associated with development of such new residence, if the total project is under way by January 1, 2000.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for

substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senate Amendment No. 13

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section 353.020, Line 45, by inserting after said line the following:

"Section 1. Regional research consortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section B, Line 1, by inserting before said line the following:

"Section 1. The provisions of 82.1050 RSMo shall only apply to landlords operating rental properties including five or more rental units."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 41, by inserting immediately after said line the following:

"67.1850. 1. As used in this section, the following terms mean:

- (1) "Community", any municipality or county as defined in this section;**
- (2) "County", any county of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants;**
- (3) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:**
 - (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;**
 - (b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;**
- (4) "Municipality", any city with a population of one hundred forty thousand or more inhabitants.**

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision-making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person

could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The cost of licensing a geographical information system may reflect the:

- (1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system;
- (2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system; and
- (3) Value of the commercial purpose, if any, for which the information in a geographical information system or a geographical information system is to be used.

6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.

[82.1035. 1. As used in this section, the following terms mean:

- (1) "Community", any municipality as defined in this section;
- (2) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:
 - (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;
 - (b) Transforms such information and data into intelligence and subsequently;
 - (c) Retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;
- (3) "Municipality", any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county.

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The

method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The cost of licensing a geographical information system may reflect the:

(1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system;

(2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system; and

(3) Value of the commercial purpose, if any, for which the information in a geographical information system or a geographical information system is to be used.

6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.]; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 17

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 141, by adding after all of said line the following:

"71.014. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand] **six hundred fifty thousand**, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed."; and

Further amend the title, enacting clause and intersectional references accordingly.

Senate Amendment No. 18

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 41, Section 260.210, Line 1, by inserting immediately before said line the following:

"210.860. 1. The governing body of any county or city not within a county may, after voter approval pursuant to this section, levy a **sales** tax not to exceed [twenty-five cents on each one hundred dollars of assessed valuation on taxable property] **one-quarter of a cent** in the county for the purpose of providing counseling, family support, and

temporary residential services to persons eighteen years of age or less. The question shall be submitted to the qualified voters of the county or city not within a county at a county or state general, primary or special election upon the motion of the governing body of the county or city not within a county or upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county or city not within a county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city not within a county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall County (City) be authorized to levy a **sales** tax of [..... cents on each one hundred dollars of assessed valuation on taxable property in the county (city) for the purpose of establishing a community children's services fund for purposes of providing funds for counseling and related services to children and youth in the county (city) eighteen years of age or less and services which will promote healthy lifestyles among children and youth and strengthen families] **one-quarter of a cent in the county (city) for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well being and safety of children and youth eighteen years of age or less and to strengthen families?**

G YES

G NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county or city not within a county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 19

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 135.355, Line 19, by inserting after said line the following:

"135.355. 1. The owner of a qualified Missouri project eligible for the Missouri low-income housing tax credit shall submit, at the time of filing the owner's return, an eligibility statement. In the case of failure to attach the eligibility statement, no credit under this section shall be allowed with respect to such project for that year until these copies are provided to the department of revenue.

2. If under section 42 of the 1986 Internal Revenue Code, as amended, a portion of any federal low-income housing credits taken on a low-income project is required to be recaptured **only during the first ten years after a project is placed in service**, the taxpayer claiming state credits with respect to such project shall also be required to recapture a portion of any state credits authorized by this section. The state recapture amount shall be equal to the proportion of the state credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal low-income housing credit amount subject to recapture."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 20

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 92.031, Line 19, by inserting after all of said line the following:

"99.053. 1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing

authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:

- (1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or
- (2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.

2. The provisions of this section shall not apply to those housing authorities:

- (1) Located within a city not within a county;
 - (2) Located within a city with a population of over four hundred thousand inhabitants;
 - (3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner.";
- and

Further amend said title, enacting clause and intersectional references accordingly.

Senate Amendment No. 21

AMEND Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 41, Section 144.759, Line 21, by inserting immediately after said line the following:

"249.470. 1. The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots, tracts and parcels of ground which may be conveniently served by a sewer, except that whenever the commission of a county of the first classification without a charter form of government deems that a countywide wastewater treatment authority would best serve the needs of such county, the commission may establish a countywide sewer district which shall be subject to the provisions of sections 249.430 to 249.660. The action of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, except as otherwise provided in this section, no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer.

2. For each countywide wastewater treatment authority established pursuant to this section, the county commission of such county shall, by resolution, order, or ordinance, appoint five trustees, all of whom shall reside within the county. In the event there is more than one district within the county organized pursuant to this chapter, no less number of the trustees so appointed shall reside within the district having the greatest number of customers than reside in any other such district in the county. The trustees, whose terms shall begin on the date the authority is established, shall be responsible for the control and operation of the countywide wastewater treatment authority and shall have the same powers and duties as the county commission as provided in this chapter. The term of each trustee shall be five years, except that, of the first board appointed, one member shall serve for one year, one member shall serve for two years, one member shall serve for three years, one member shall serve for four years, and one member shall serve for five years. All vacancies after the initial appointment shall be filled by the county commission. The trustees shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties, which amount shall not exceed the sum of twenty-five dollars per month.";

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:30 a.m., Thursday, May 11, 2000.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-ninth Day, Tuesday, May 9, 2000, page 1506, roll call, by showing Representatives Miller, Scott, Williams (121) and Wright voting "aye" rather than "absent with leave".

Pages 1506 and 1507, roll call, by showing Representatives Parker and Smith voting "aye" rather than "absent with leave".

Page 1508, roll call, by showing Representative Blunt voting "aye" rather than "absent with leave".

Pages 1508 and 1509, roll call, by showing Representatives Gibbons and Myers voting "aye" rather than "absent with leave".

Pages 1510 and 1511, roll call, by showing Representative Parker voting "aye" rather than "absent with leave".

Pages 1512 and 1513, roll call, by showing Representatives Bartelsmeyer, Gibbons and Naeger voting "aye" rather than "absent with leave".

Pages 1513 and 1514, roll call, by showing Representatives Champion, Chrismer, Hosmer, Naeger and Ross voting "no" rather than "absent with leave".

Page 1522, roll call, by showing Representative Gibbons voting "no" rather than "absent with leave".

Pages 1525 and 1526, roll call, by showing Representative May (108) voting "no" rather than "absent with leave".

Pages 1536 and 1537, roll call, by showing Representative Bartle voting "aye" rather than "present".

Pages 1536 and 1537, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Pages 1537 and 1538, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 1538 and 1539, roll call, by showing Representatives Hosmer, Liese and Tudor voting "aye" rather than "absent with leave".

Pages 1557 and 1558, roll call, by showing Representative Barnett voting "aye" rather than "absent with leave".

Pages 1557 and 1558, roll call, by showing Representatives Purgason and Wright voting "no" rather than "absent with leave".

Pages 1559 and 1560, roll call, by showing Representatives Hosmer, Robirds and Wright voting "aye" rather than "absent with leave".

Pages 1560 and 1561, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Page 1564, roll call, by showing Representatives Bartelsmeyer, Champion, Long and Scott voting "aye" rather than "absent with leave".

Page 1564, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".

Pages 1567 and 1568, roll call, by showing Representatives King, Lawson, Long, Parker and Surface voting "aye" rather than "absent with leave".

Pages 1567 and 1568, roll call, by showing Representatives Hohulin and Purgason voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, May 11, 2000, 8:30 am. Hearing Room 1.

Assignment of Oversight's Interim Work.

STATE PARKS, NATURAL RESOURCES AND MINING

Thursday, May 11, 2000. Side gallery upon noon adjournment.

Executive Session.

To be considered - SCR 42

HOUSE CALENDAR

SEVENTY-FIRST DAY, THURSDAY, MAY 11, 2000

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 40, as amended, HA 3, pending - Graham (24)
- 2 HJR 45, HCA 1 - Scheve
- 3 HJR 51 - Clayton

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1747 - Barry
- 2 HB 2102 - Hampton
- 3 HB 1066, HCA 1 - Riback Wilson (25)

- 4 HB 1280 - Clayton
- 5 HB 1502 - Smith
- 6 HCS HB 1547 - Scheve
- 7 HCS HB 1962, 1943, 1425 & 1419 - Dougherty
- 8 HB 1546 - Smith
- 9 HCS HB 1606 - Bray
- 10 HCS HB 1225 - Hosmer
- 11 HCS HB 1540 - Green
- 12 HCS HB 1942 - Liese
- 13 HCS HB 1578 - Shelton
- 14 HB 2056 - Gunn
- 15 HCS HB 1718 - Smith
- 16 HCS HB 1966 - Hosmer
- 17 HCS HB 1997 - Smith
- 18 HCS HB 1336 - Lakin
- 19 HCS HB 1780 - Liese
- 20 HCS HB 1816 - Hosmer
- 21 HCS HB 1357 - Bonner
- 22 HB 1872 - Seigfreid
- 23 HCS HB 1674 - Graham (24)
- 24 HCS HB 1154 - Boucher
- 25 HCS HB 2114 - Hoppe
- 26 HCS HB 1649 - Williams (121)
- 27 HB 1216 - Kelly (27)
- 28 HB 1157, HCA 1 - Boucher

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1602, as amended - Leake
- 2 HB 1712 - McKenna
- 3 HS HB 1394, as amended - Murray

HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCR 31, (5-1-00, pg. 1158) - Hollingsworth

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1828 - Gross
- 2 HB 1095 - Richardson
- 3 HB 1358 - Loudon
- 4 HB 1275 - Chrismer

SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 SCR 39, (4-13-00, pg. 953) - Clayton
- 2 HCS SCR 37, (5-8-00, pg. 1493) - Williams (159)

SENATE JOINT RESOLUTION FOR THIRD READING

HCS SS SS#3 SJR 35 - Graham (24)

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 678 & 742, as amended, HA 43 pending - May (108)
- 2 HCS SS SB 902 - Treadway
- 3 SCS SB 557 - Smith
- 4 SS SCS SB 867 & 552, (Fiscal Review, 5-2-00) - Scheve
- 5 HCS SS#2 SCS SB 934, 546, 578, 579 & 782 - Hosmer
- 6 HCS SS#2 SCS SB 757 & 602, (Fiscal Review, 5-4-00) - Scheve
- 7 SCS SB 540 - Wiggins
- 8 HCS SS SCS SB 925, E.C. - Williams (159)
- 9 HCS SB 996 - Hosmer
- 10 HCS SCS SB 842, E.C., (Fiscal Review, 5-4-00) - Hoppe
- 11 HCS SB 921 - Treadway
- 12 SB 892, (Fiscal Review, 5-4-00) - Crump
- 13 HCS SCS SB 683, (Fiscal Review, 5-5-00) - Koller
- 14 HCS SS SCS SB 885, (Fiscal Review, 5-5-00) - Smith
- 15 HCS SB 573, E.C., (Fiscal Review, 5-5-00) - Kissell
- 16 HCS SB 974, (Fiscal Review, 5-5-00) - Lakin
- 17 HCS SCS SB 806 & SB 537, E.C., (Fiscal Review, 5-5-00) - Britt
- 18 HCS SB 851 - Kreider
- 19 HCS SCS SB 597, (Fiscal Review, 5-5-00) - Dougherty
- 20 HCS SB 722 - Smith
- 21 SB 910 - Abel
- 22 HCS SS SCS SB 926, E.C., (Fiscal Review, 5-8-00) - Scheve
- 23 SCS SB 685 - Curls

SENATE BILLS FOR THIRD READING - INFORMAL

- 1 HCS SCS SB 894 - Hoppe
- 2 SCS SB 779 - Wiggins
- 3 HCS SB 936, HS as amended, E.C. - Bray

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HCS HB 1967, SA 1 to SCA 1, SCA 1, as amended, & SA 1, E.C. - Hoppe
- 2 SCS HS HB 1238, as amended, E.C. - Hoppe

BILL CARRYING REQUEST MESSAGE

HCS SS SCS SB 763, as amended, (Senate req. House rec/grant conf.) - Kissell

BILLS IN CONFERENCE

- 1 CCR SCS HB 1591 - Backer
- 2 HS HCS SS SB 549, as amended - Van Zandt
- 3 CCR HS HCS SB 788, as amended - Barry
- 4 CCR HS HCS SB 856, as amended - Harlan

- 5 HS HCS SB 896, as amended - May (108)
- 6 HS HCS SB 858 - Smith
- 7 HCS SB 741, as amended - Backer
- 8 SCS HB 1292, as amended - Auer
- 9 HCS SS SB 813, as amended - Kissell
- 10 HJR 50, as amended - Scheve
- 11 HS SB 1053, as amended - Days

HOUSE RESOLUTIONS

- 1 HR 557, (5-1-00, pg. 1160) - Gratz
- 2 HR 504, (5-1-00, pg. 1159) - Gratz
- 3 HR 295, (5-3-00, pg. 1265) - Scheve